

State Historical Society, at Lincoln, Nebr., under rules and regulations to be prescribed by him; without amendment (Rept. No. 2781). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINDERUP: A bill (H. R. 10926) to amend the Social Security Act of 1935, to provide further for Federal old-age benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAY of Pennsylvania: A bill (H. R. 10927) to fix a maximum interest rate of 5 percent on loans secured by Government life-insurance policies; to the Committee on World War Veterans' Legislation.

By Mr. MAY (by request): A bill (H. R. 10928) to add certain lands of the Front Royal Quartermaster Depot Military Reservation, Va., to the Shenandoah National Park, and for other purposes; to the Committee on Military Affairs.

By Mr. LEA (by request): A bill (H. R. 10932) to provide for the construction of certain privately financed self-liquidating highways of superior standard and other public works pertinent thereto, and for other purposes; to the Committee on Roads.

By Mr. MALONEY: A bill (H. R. 10934) to authorize the Secretary of War to lend War Department equipment for use at the 1938 National Eucharistic Congress to be held in New Orleans, La., from October 17 to October 21, 1938; to the Committee on Military Affairs.

By Mr. O'MALLEY: Joint resolution (H. J. Res. 721) requesting the President to proclaim May 12 as Steuben Day; to the Committee on the Judiciary.

By Mr. CELLER (by request): Joint resolution (H. J. Res. 722) proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances, and gifts; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Pennsylvania: A bill (H. R. 10929) granting a pension to Essie V. Dickey; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Montana: A bill (H. R. 10930) authorizing the Secretary of the Interior to issue a patent for certain lands to Jordan N. Bean; to the Committee on the Public Lands.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 10931) granting an increase of pension to Mary J. Marshall; to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 10933) for the relief of David E. Taylor; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5362. By Mr. CRAWFORD: Petition of nearly a thousand citizens of Saginaw City and Saginaw County, Mich., protesting against the 1938 soil-conservation program and demanding saving of American markets for American producers of goods; to the Committee on Agriculture.

5363. By Mr. KOPPLEMANN: Petition of members of Oak Lodge, No. 43, International Brotherhood of Papermakers, signed by Charles Garrow and Frederick McCarthy, requesting hearings on House bill 4199, known as the General Welfare Act; to the Committee on Ways and Means.

5364. Also, petition of members of Park Lodge, No. 347, International Brotherhood of Papermakers, signed by Richard B. Norton and Francis I. Limirick; to the Committee on Ways and Means.

5365. By Mr. KRAMER: Resolution of the Los Angeles County District Council of Carpenters, relative to pension for men over 50 who have no other income; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 16, 1938

(Legislative day of Tuesday, June 7, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, June 15, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 252. An act to exempt publicly owned interstate highway bridges from local taxation;

S. 3798. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937;

S. 4041. An act granting the consent of Congress to the State of New Jersey and the Commonwealth of Pennsylvania to enter into compacts or agreements with respect to constructing, maintaining, and operating a vehicular tunnel under the Delaware River; and

S. 4044. An act to authorize the President to permit citizens of the American republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10024) to establish the Olympic National Park, in the State of Washington, and for other purposes.

The message further announced that the House of Representatives having proceeded to reconsider the bill (H. R. 10530) to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans until July 1, 1940, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM, Mr. BOYLAN of New York, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER of Pennsylvania, Mr. TABER, Mr. BACON, and Mr. WIGGLESWORTH were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 2338. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works and for other purposes;

S. 3346. An act authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath Business Committee and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe; and

S. 3756. An act to prohibit the use of communication facilities for criminal purposes.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 2811. An act to amend the Judicial Code by adding thereto a new section, to be numbered 659 (1), relating to the certification, authentication, and use in evidence of documents of record or on file in public offices in the State of Vatican City;

S. 3255. An act to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, to prevent acts and practices inconsistent with just and equitable principles of trade, and for other purposes; and

S. 3525. An act to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government", approved July 13, 1937.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 6820. An act for the relief of Elizabeth Vresh (Yalga Vres), her son, Frederick Vresh, and her daughter, Sylvia Vresh Bronowitz;

H. R. 8434. An act to liberalize the laws providing pensions for the dependents of veterans whose death resulted from service prior to April 21, 1898;

H. R. 10873. An act to authorize the conveyance to the Arthur Alexander Post No. 68, the American Legion, of Belzoni, Miss., of the improvements and site containing 18 acres of land, more or less, at Lock and Dam No. 1, on the Sunflower River, Miss.;

H. R. 10907. An act to provide for the vesting of title and the disposition of personal property left or found upon premises used as Veterans' Administration facilities, and for other purposes;

H. R. 10935. An act to authorize the Secretary of War to lend War Department equipment for use at the convention of the American Legion of New York during the month of August 1938;

H. J. Res. 551. Joint resolution providing compensation for certain employees;

H. J. Res. 681. Joint resolution to amend the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended; and

H. J. Res. 707. Joint resolution requesting the President of the United States to proclaim the week of May 31, 1939, National Flood Prevention Week.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1043. An act for the relief of A. C. Williams;

S. 1478. An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi;

H. R. 733. An act for the relief of George E. Titter;

H. R. 736. An act for the relief of Mallery Toy;

H. R. 1995. An act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes;

H. R. 3162. An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or other tribes or bands thereof may have against the United States, and for other purposes;

H. R. 4571. An act for the relief of the widow and children of James Patrick Mahar;

H. R. 5379. An act for the relief of Mrs. B. E. Hennigan and her dependent minor children;

H. R. 5690. An act to amend the Longshoremen's and Harbor Workers' Compensation Act;

H. R. 7344. An act for the relief of Eddie Walker;

H. R. 7759. An act for the relief of Susan Lawrence Davis;

H. R. 7844. An act to amend the act of Congress entitled "An act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska,

and for other purposes," approved January 13, 1925, as amended;

H. R. 9721. An act authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes;

H. R. 9801. An act to provide for the retirement, rank, and pay of Chiefs of Naval Operations, Chiefs of Bureau of the Navy Department, the Judge Advocates General of the Navy, and the Major Generals Commandant of the Marine Corps;

H. R. 9997. An act to regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes;

H. R. 10432. An act to amend an act approved June 14, 1906 (34 Stat. 263), entitled "An act to prevent aliens from fishing in the waters of Alaska";

H. R. 10594. An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve;

H. R. 10785. An act to amend the Perishable Agricultural Commodities Act, 1930, as amended;

S. J. Res. 298. Joint resolution to create a joint congressional committee to investigate the adequacy and use of the phosphate resources of the United States;

S. J. Res. 300. Joint resolution to create a temporary national economic committee;

S. J. Res. 308. Joint resolution to prescribe the acreage allotments for wheat for 1939; and

H. J. Res. 699. Joint resolution to amend sections 101, 102, 103, 104, and 859 of the Revised Statutes of the United States relating to congressional investigations.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I trust this may be the last time this session for me to perform the duty I am about to perform, but I am compelled to suggest the absence of a quorum, and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Holt	O'Mahoney
Andrews	Connally	Hughes	Overton
Ashurst	Davis	Johnson, Calif.	Pepper
Austin	Donahey	Johnson, Colo.	Pittman
Bailey	Duffy	King	Pope
Bankhead	Ellender	La Follette	Radcliffe
Barkley	George	Lee	Reames
Bilbo	Gerry	Lewis	Reynolds
Bone	Gibson	Logan	Russell
Borah	Gillette	Loung	Schwartz
Brown, Mich.	Glass	Lundeen	Schwellenbach
Brown, N. H.	Green	McGill	Sheppard
Bulley	Guffey	McKellar	Shipstead
Bulow	Hale	McNary	Townsend
Burke	Harrison	Maloney	Truman
Byrd	Hatch	Miller	Tydings
Byrnes	Hayden	Minton	Vandenberg
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	Norris	Wheeler

Mr. LEWIS. I announce that the Senator from Tennessee [Mr. BERRY], the Senator from Illinois [Mr. DIETERICH], the Senator from California [Mr. McAdoo], the Senator from Nevada [Mr. McCARRAN], the Senators from New Jersey [Mr. MILTON and Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The Senator from New York [Mr. COPELAND] is absent because of illness.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent for reasons heretofore stated.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

TRIBUTE TO LATE REPRESENTATIVES GOODWIN AND PEYSER, OF NEW YORK

Mr. CLARK. Mr. President, the Senator from New York [Mr. COPELAND] had expected to be present today, but has

been detained from the Senate because of illness. He had prepared and expected to deliver brief remarks in tribute to the memory of two of his late colleagues in the House of Representatives from New York. In his absence I ask that the remarks prepared by him may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Mr. COPELAND. Mr. President, I take this opportunity to express my profound sorrow over the loss of two close friends. In the hurry and pressure of this session I have not found opportunity to unfold the feelings of my heart in the manner their memories deserve.

I speak of our lamented colleagues from New York, the Honorable PHILIP ARNOLD GOODWIN and the Honorable THEODORE A. PEYSER.

Many, many times I had opportunities to confer with them in matters relative to committee work and conferences, and I formed close attachments to both men. I found them always willing, helpful, and anxious to perform their duties in the public interest as faithfully as possible.

We mourn their passing. The Congress must sustain a great loss.

It was my privilege to enjoy cherished personal relationships with these two men. Not only were they my colleagues but they were my friends.

Even though they followed opposite political faiths, they recognized the right of men to differ in political philosophy and to be friends nevertheless. For each of them I had the highest personal regard.

My friend Mr. PEYSER had no wife. For Mrs. Goodwin I always had the highest regard and admiration. I extend to her my warmest sympathy.

INVESTMENT, ETC., OF TENNESSEE VALLEY AUTHORITY IN WILSON, NORRIS, AND WHEELER PROJECTS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Board of Directors of the Tennessee Valley Authority, submitting its report on the investment and the allocation of the investment of the Authority in the Wilson, Norris, and Wheeler projects, pursuant to section 14 of the Tennessee Valley Authority Act of 1933, as amended, and stating that the findings of the Board have been approved by the President, which was referred to the Committee on Agriculture and Forestry.

CASES DISMISSED BY COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a letter from the assistant clerk of the Court of Claims, advising, pursuant to an order of the court, the cases—Congressional, 17642, John H. Emmord; Congressional, 17644, Samuel L. Fyle; and Congressional, 17645, W. Carl Holloway—which were referred to the Court of Claims by resolution of the Senate, pursuant to law, were dismissed on plaintiff's motion, which was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives of the State of Ohio, which was referred to the Committee on Commerce:

A resolution memorializing the Congress of the United States to approve legislation affecting Cowen Creek project in Clinton County, Ohio

Whereas the true friends of agriculture understand the need of a definite program designed to help provide a more abundant water supply in dry seasons, and as a flood preventative in excessively wet seasons; and

Whereas the Cowen Creek project of Clinton County, Ohio, will positively solve this problem to a greater extent than any plan so far proposed; and

Whereas it will provide a measure of enjoyment to the people of Clinton and the surrounding counties for recreational purposes in addition to being a part of a soil conservation plan; and

Whereas this project has been approved by petitions and otherwise by various organizations interested civically and impartially: Therefore be it

Resolved, That we memorialize the Congress of the United States to approve appropriations allocated for this purpose so that the citizens of Ohio can enjoy and be benefited to the extent they so much deserve and that the project be finished as soon as possible and feasible; and be it further

Resolved, That copies of this resolution be transmitted to President Franklin D. Roosevelt, Vice President John N. Garner, the clerk of the Senate and the Clerk of the House, and to the Senators and Congressmen from Ohio.

The VICE PRESIDENT also laid before the Senate the following resolution of the Senate of the State of Ohio, which was ordered to lie on the table:

Resolution memorializing the Congress of the United States relative to the policy of assuming the assessments and the entire cost of improvements in conservancy districts, especially with reference to the Miami conservancy district

Whereas the vast flood-prevention policy entered into by the State of Ohio following the disastrous flood of 1913, in the construction by the Miami and other conservancy districts of improvements, has greatly benefited not only the residents of Ohio but of many States in the Union; and

Whereas in the event that the Federal Government sees fit to assume the assessments and the entire cost of the improvements in like projects which have recently been undertaken and completed, it would seem just and fair that the Federal Government should also assume the outstanding obligations of the taxpayers of the Miami conservancy district, the greater portion of which have been paid by the taxpayers of the district during the last 20 years: Therefore be it

Resolved, That the members of the senate hereby memorialize the Congress of the United States to carefully weigh the advantages to the Nation as a whole that were derived from the Miami conservancy district and to assume the obligations of the district yet outstanding, in the event the Federal Government sees fit to assume the assessments and costs of improvements in present projects of a like nature; and be it further

Resolved, That properly authenticated copies of this resolution be forwarded by the clerk of the senate to President Franklin D. Roosevelt, Vice President John N. Garner, to the United States Senators Robert J. Bulkley and A. V. Donahey, and to each of the Members of Congress from Ohio.

The VICE PRESIDENT also laid before the Senate a telegram from the Young Citizens of America Pro-American Association, New York City, N. Y., embodying a resolution of that association favoring the publication by a congressional committee of a complete detailed report of the facts concerning alien groups in the United States, which was referred to the Committee on Immigration.

He also laid before the Senate a telegram from officers of the Federal Bar Association of New York, New Jersey, and Connecticut, stating that that association had unanimously adopted a resolution endorsing the nomination of William Clark as judge for the Third Circuit Court of Appeals, which was referred to the Committee on the Judiciary.

He also laid before the Senate papers in the nature of memorials from several citizens of the United States remonstrating against centralization of power in the Government, increase of the national debt, and increased taxation, which were ordered to lie on the table.

Mr. BULKLEY. I present for appropriate reference a letter in the nature of a petition signed by Howard Snyder and 511 other citizens of Steubenville, Ohio, and vicinity, which I ask may be printed in the body of the RECORD.

There being no objection, the letter was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

To the National Labor Relations Board, Committee on Industrial Organization, Weirton Steel Co., Members of Congress.

GENTLEMEN: We, the undersigned merchants and citizens of Steubenville, Ohio, and vicinity, petition your respective organizations to discontinue further investigations and hearings now in progress, and that the same be dismissed without harm or injury to any of the parties involved, and assign the following reasons for this request:

1. That the hearing has prevented Weirton Steel officials from performing their duties and has required them to devote time to matters alien to their business, with the result that business of that company has slackened and employment proportionately suffered.

2. That in consequence of the lag of employment in our communities' greatest industry, there has been a corresponding depression in business conditions, creating greater hardship among the small-business men and all classes of employees than ever before.

3. That the steel industry of the Ohio Valley is the lifeblood of business in our communities, and any acts deterring its progress or injuring that industry directly affect us, the citizens.

4. We are aware, too, that building and expansion programs aggregating millions of dollars have been contemplated by various industries in our communities, and that the lag of employment that has brought about a major business recession forestalled all such activity.

5. The N. L. R. B. hearing has created an acute business depression out of an otherwise seasonal business slump, and we are now experiencing conditions far worse than at any time during the past depression.

We, therefore, beg that our plea may not go unheeded.

VETO OF SO-CALLED FARM-INTEREST BILL

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by The National Grange with reference to the veto by the President of the so-called farm-interest bill.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Washington, D. C., June 16, 1938.

HON. BURTON K. WHEELER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WHEELER: We note with approval that the House yesterday overrode President Roosevelt's veto of the farm-interest bill, H. R. 10530, by a vote of 244 to 87. We trust that the Senate may take similar action before adjournment.

If the veto should be sustained, the effect would be to step up the interest rates on land-bank mortgages from 3½ to 4 percent during the present year, while after July 1, 1939, the old contract rates, ranging from 4 to 6 percent, would be restored. It must not be forgotten that the earlier loans of the land banks were made at a time when interest rates were much higher than at present.

The bonds that were issued by the land banks in connection with these loans have been refinanced at lower rates of interest, and it is only fair that these lower rates should be reflected back to the farmers. With the Government borrowing money on its 10-year bonds at an average rate of 2.83 percent, what reasonable justification can there be for asking borrowers from the Federal land banks to pay rates ranging from 4 to 6 percent?

During the past year, the average price level of farm commodities has registered a decline of 36 points, and the purchasing power of the farm dollar stands at 74 percent of its pre-war base.

Under the circumstances and as a matter of justice to agriculture, we respectfully ask the Senate to override the President's veto.

Sincerely yours,

THE NATIONAL GRANGE,
FRED BRECKMAN,
Washington Representative.

MAINTENANCE OF PEACE—SESAME CLUB OF BERRYTON, KANS.

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement just received by myself from the Sesame Club of Berryton, Kans., signed by Vera Webster and 28 other members of the Sesame Club of women. These women, like nearly all women and most of the men in the United States, are deeply interested in world peace, and especially in keeping the United States at peace.

I believe the statement of the beliefs of these women of Berryton, Kans., is an accurate statement of the views held by millions of our citizens. They believe in an army and navy adequate for defense but are opposed to our participating in foreign wars. They believe in taking the profits out of war; in case of war they would draft capital as well as men. They are opposed to our munitions makers selling to foreign warring nations. I am heartily in favor of the program outlined by this organization.

I send the statement of the Sesame Club of Berryton, Kans., to the desk and ask unanimous consent that it be printed as part of my remarks at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BERRYTON, KANS., May 18, 1938.

HON. ARTHUR CAPPER,
Senator, United States Senate, Washington, D. C.

DEAR SENATOR: Realizing the unsettled conditions of the world, nations at war among themselves, nations at war within their own boundaries, we, the Sesame Club, of Berryton, Kans., representative of the women and mothers of our community, wish to go on record with our convictions in regard to maintaining peace in our own country.

We believe in:

- (a) An adequate Army and Navy for defense but not for foreign wars.
- (b) In taking the profits out of war.
- (c) In case of war, that capital be drafted as well as men.
- (d) That we refuse to allow munitions to be shipped from our country to nations engaged in war.
- (e) That we be not afraid to condemn other nations who declare war for annexation of territory.

We wish to express our appreciation to you in your efforts on behalf of world peace.

Respectfully, we the undersigned members of the Sesame Club, of Berryton, Kans.

Vera Webster, Mrs. Effie McMahan, Mrs. Eva Dustin, Mrs. A. L. Sowers, Mrs. E. A. Dunlap, Mrs. Frank Foster, Miss Ella Thresher, Mrs. James Baird, Mrs. E. J. McWilliams, Mrs. Paul Howbert, Mrs. Chas. M. Zirkle, Mrs. Frank Snell, Fannie Liebenberg, Mrs. Geo. A. Meens, Mrs. R. W. Flohrschutz, Mrs. J. A. Sowers, Mrs. Newton Scott, Mrs. J. K. Buehler, Mrs. Harry Bullock, Mrs. C. V. Ticknor, Mrs. W. A. McQuiston, Mrs. Rex Scott, Mrs. N. L. Tevis, Mrs. W. F. Havekott, Mary M. Porter, Mrs. W. H. Waters, Mrs. M. Virginia Porter, Mrs. Fred Johnsmeyer (president), Mrs. Eleanor Kinkaid (secretary).

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution of the House of Representatives were severally read twice by their titles and referred as indicated below:

H. R. 6820. An act for the relief of Elizabeth Vresh (Yalga Vres), her son, Frederick Vresh, and her daughter Sylvia Vresh Bronowitz; and

H. J. Res. 681. Joint resolution to amend the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended; to the Committee on Immigration.

H. R. 8434. An act to liberalize the laws providing pensions for the dependents of veterans whose death resulted from service prior to April 21, 1898; to the Committee on Pensions.

H. R. 10907. An act to provide for the vesting of title and disposition of personal property left or found upon premises used as Veterans' Administration facilities, and for other purposes; to the Committee on Finance.

PRINTING OF SPEECHES BY SENATOR WALSH

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD two speeches recently made by me, one at the commencement exercises of the United States Coast Guard Academy, at New London, on June 2, 1938, and the other delivered on Flag Day, June 14, 1938, at the auditorium in the Department of Labor Building in the city of Washington.

The VICE PRESIDENT. Without objection, permission is granted.

REPORT ON FEDERAL PARTICIPATION IN THE GREAT LAKES EXPOSITION, CLEVELAND, OHIO (S. DOC. NO. 223)

Mr. BULKLEY. Mr. President, I ask unanimous consent that the report of the United States Great Lakes Exposition Commission (submitted pursuant to law on March 17, 1938) pertaining to Federal participation in the Great Lakes Exposition, held at Cleveland, Ohio, 1936-37, with the accompanying papers, may be printed as a document.

The VICE PRESIDENT. Without objection, it is so ordered.

BUSINESS—ADDRESS BY SENATOR POPE

[Mr. LEE asked and obtained leave to have printed in the RECORD an address delivered by Senator POPE before the annual dinner of the Williston Academy Alumni Association, at the Ambassador Hotel, New York City, on January 27, 1938, on the subject Business.]

ESSENTIALS OF RECOVERY—ADDRESS BY SENATOR MURRAY

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a radio address on the essentials of recovery and the necessity for cooperation between business and the Government, delivered by Senator MURRAY on June 16, 1938.]

GENERAL PROVISIONS OF WAGE-HOUR ACT—STATEMENT BY SENATOR MURRAY

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a statement prepared by him covering the general provisions of the wage-hour bill, with reference also to the child-labor sections of the bill.]

WHOLESALE PRICE INDEX, NATIONAL INCOME, AND MONETARY SYSTEM

[Mr. PITTMAN asked and obtained leave to have printed in the RECORD a statement regarding the wholesale price index, national income, and monetary system.]

THE COST OF WAR—ARTICLE BY THOMAS J. WATSON

[Mr. POPE asked and obtained leave to have printed in the RECORD an article on the subject The Cost of War, by Mr. Thomas J. Watson, president of the International Chamber of Commerce, which appears in the Appendix.]

POLITICS IN WORK RELIEF

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a telegram from J. Banks Hudson, W. P. A. administrator for Pennsylvania, to Harry L. Hopkins, Federal Administrator of the W. P. A., which appears in the Appendix.]

THE TRUTH ABOUT THE DEPRESSION—ARTICLE BY SENATOR BRIDGES

[Mr. LODGE asked and obtained leave to have printed in the RECORD an article by Senator BRIDGES on the subject The Truth About the Depression, which will be published hereafter in the Appendix.]

ADDRESS BY SENATOR BAILEY

[Mr. BORAH asked and obtained leave to have printed in the RECORD an address to be delivered in Maine by Senator BAILEY, which will be published hereafter in the Appendix.]

UNJUST DISCRIMINATION—EDITORIAL FROM WASHINGTON EVENING STAR

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an editorial from the Washington Evening Star of June 10, 1938, entitled "Unjust Discrimination."]

ADDRESS BY SENATOR BULKLEY AT WILBERFORCE UNIVERSITY

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by Senator BULKLEY at the commencement exercises of Wilberforce University, Wilberforce, Ohio, June 9, 1938.]

FREIGHT AND WAGES—EDITORIAL FROM WASHINGTON DAILY NEWS

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an editorial published in the Washington Daily News of June 7, 1938, entitled "Freight and Wages."]

FOR A JUST SYSTEM OF TAXATION—ARTICLE BY JACKSON H. RALSTON

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a telegram from Edward D. Vandeleur, secretary of the California State Federation of Labor, relating to an article by Jackson H. Ralston entitled "For a Just System of Taxation."]

ACCIDENT PREVENTION

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD a statement on the subject Accident Prevention—a Problem for Health Organizations, by Walter Dent Smith, executive vice president of the Greater New York Safety Council.]

THE DESTRUCTION OF CHINA—EDITORIAL FROM THE WASHINGTON POST

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an editorial from the Washington Post entitled "The Destruction of China."]

FEDERAL INTERFERENCE IN SENATORIAL ELECTIONS

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a letter dated May 9, 1913, addressed by Isaac Lobe Straus, then attorney general of Maryland, to President Woodrow Wilson.]

CAMPAIGN CONTRIBUTIONS

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article written by himself on campaign contributions.]

ANNIVERSARY OF BATTLE OF ANTIETAM—ADDRESS BY SENATOR RADCLIFFE

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address delivered by Senator RADCLIFFE on May 30, 1938, at the celebration of the seventy-sixth anniversary of the Battle of Antietam.]

MRS. ROOSEVELT AND WORLD PEACE—ARTICLE BY MAXIMIANO MARMITO VILLAREAL

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article by Maximiano Marmito Villareal entitled "Mrs. Roosevelt and World Peace."]

EXCISE TAX ON COPPER—LETTER BY SENATOR WHEELER

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a letter addressed by him to Hon. J. J. O'Connell, a Representative from the State of Montana.]

FOREIGN POLICY AND SUPERNAVY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD a statement by him on the appropriations for the so-called supernavy and on the foreign policy of the United States, which will be published hereafter in the Appendix.]

PLATFORM AND PROGRAM OF SOCIAL DEMOCRATIC ASSOCIATION

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD the platform and program of the Social Democratic Association, and other data, which will be published hereafter in the Appendix.]

CONSTITUTIONAL LIBERTIES—ADDRESS BY SENATOR DAVIS

[Mr. JOHNSON of California asked and obtained leave to have printed in the RECORD an address prepared by Senator DAVIS and delivered for him by Dr. Henry S. Ruth before the National Institute of Homeopathy, meeting in national convention at Philadelphia on June 15, 1938.]

RELIEF AND WORK RELIEF APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS. Mr. President, I submit a supplemental conference report on House Joint Resolution 679, the relief measure, and ask for its immediate consideration.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to the amendments of the Senate numbered 74, 75, and 76, and agree to such House amendments.

The committee of conference report in disagreement Senate amendment numbered 72 with the amendment of the House thereto.

ALVA B. ADAMS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,

Managers on the part of the Senate.

C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
JOHN TABER,
ROBERT L. BACON,
R. B. WIGGLESWORTH,

Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. McNARY. I understand the report deals with three items which are still in disagreement and which were referred to the conferees?

Mr. ADAMS. There were four items in disagreement. Three of the items related to parity-payment provisions. The Senate conferees receded and recommended the acceptance of the House provision as to parity payments. There remains one item in disagreement as to which, after action on the report, I will submit another request or motion. We concluded, I will say to the Senator from Oregon, that the wise thing to do was to accept the House provision. We discussed it with the Senator from Georgia [Mr. RUSSELL] and others who were better informed than were the conferees, and we are acting in accordance with their advice.

The VICE PRESIDENT. Is there objection to agreeing to the conference report?

Mr. JOHNSON of California. Mr. President, what was done in respect to the matter?

Mr. ADAMS. The Senate accepted the House provision. As the Senator may recall, there were two different provisions, one adopted by the Senate, which was known as the Russell amendment, while the House adopted what was known as the Pope amendment. The Senate conferees recommend the recession of the Senate from its amendment and the acceptance of the House amendment.

Mr. JOHNSON of California. What further was done with the other matters in dispute? I ask simply for information.

Mr. ADAMS. Of the other matters, the Rural Electrification matter comes back in disagreement, and as to that I have a separate report to submit.

Mr. JOHNSON of California. That is what I was trying to ascertain. Then, was there any other matter in dispute?

Mr. ADAMS. Only the parity-payment provisions, which were made up of three separate amendments, two being merely textual. The fourth relates to a Rural Electrification item.

Mr. JOHNSON of California. In brief, how did the conferees compromise on parity payments?

Mr. ADAMS. It could hardly be called a compromise. The Senate conferees receded from their position and accepted the House position. It was not possible to work out any compromise. It was a question either of insisting on our position or accepting the House position.

Mr. JOHNSON of California. Their position was what?

Mr. ADAMS. Their position was represented by the adoption of what we knew in the Senate as the Pope amendment. It was an amendment worked out, I think, by the senior Senator from Iowa [Mr. GILLETTE]. There was a serious question as to which was the preferable amendment. Both, to me, seemed very complicated; in fact, more than complicated. So we accepted the judgment of the Senator from Georgia [Mr. RUSSELL], whose amendment the Senate had adopted.

Mr. McNARY. The essential difference between the House and Senate provisions is that the House provision gives a larger volume of parity payments to corn than did the Senate amendment?

Mr. ADAMS. The results in terms of dollars, in substance, were that, whereas the Russell amendment gave \$102,000,000 to cotton—and I will give the figures which have been furnished, if I may—the Russell amendment as the Senate adopted it, and as it was estimated, would have given cotton \$102,000,000, corn \$52,000,000, wheat \$53,000,000, and rice and tobacco \$3,000,000. The amendment which is recommended reduces the payment to cotton to \$86,400,000, to corn to \$68,800,000, to wheat \$53,200,000, a slight increase, and fixes the payment to rice and tobacco at \$1,600,000, with \$2,000,000 unallocated of the \$212,000,000.

Mr. McNARY. Mathematically, the difference between the House and Senate propositions is a larger amount for corn parity payments, a slight gain for wheat, and substantial reductions in the payments on cotton?

Mr. ADAMS. Yes. We had a letter from the Secretary of Agriculture in reference to the administration. The Russell amendment provided that no payments would be made if any of these products reached 75 percent of parity. That was not clear in the House amendment, but the Secretary of Agriculture advises that his administration interprets the House amendment as fixing that ceiling upon the payments.

Mr. RUSSELL, Mr. MCGILL, and Mr. POPE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield; and if so, to whom?

Mr. ADAMS. I yield to the Senator from Georgia.

Mr. RUSSELL. The House amendment provides exactly the same amount of money that the Senate amendment provides. Both amendments carry \$212,000,000. The principal difference between the two amendments—and a very great

difference it is—is in the formula for the distribution of those funds. The Senate amendment was very clear and explicit as to the amount to be paid with respect to each commodity, and contained a reasonably simple formula for the distribution of the funds. It provided for 10 cents a bushel in the case of wheat, 5 cents a bushel in the case of corn, 2 cents a pound in the case of cotton, 1 cent a pound in the case of tobacco, and one-fifth of a cent a pound in the case of rice, not less than these amounts to be paid to the producers of those respective commodities in the event that the market price of the commodity was less than 75 percent of parity.

The House proposition provides an entirely different formula. It undertakes to set up a formula based 50 percent on section 303 of the Farm Act or parity-payment formula and 50 percent on section 104, which is the soil-conservation-payment formula. Of course, any figures as to the amount that any commodity would actually receive are more or less speculative; but the figures which were stated by the Senator from Colorado [Mr. ADAMS], in charge of the bill, were the figures which the Department have submitted as their present-day estimate of the distribution of these funds.

Naturally I am greatly disappointed that the House has seen fit to reduce the amount that goes to cotton by the sum of \$14,000,000. I thought, and still think, that my original proposition was so much simpler and clearer, and that it was also fairer than the pending House proposition; but, in view of the fact that we are here on what we all hope is the last day of the session, I would not jeopardize this relief to all the farmers of the Nation by attempting now to work out an entirely new formula which would be a compromise between the position of the Senate and the position of the House. To attempt to do so might defeat the entire appropriation, and while I feel the House amendment is unfair to cotton, a half loaf is better than no bread. I also feel that in the actual administration of the new formula there is going to be some disappointment on the part of some of the wheat farmers. I believe that some of them will receive less funds under the combined formula than they would have received on the 10-cent-per-bushel basis. Of course all of that will be determined by the future.

There has been one issue in regard to the House proposition that I wish to clarify by inserting in the RECORD a letter from the Secretary of Agriculture. Under the Senate amendment, it was very clear and definite that if any single commodity should sell for more than 75 percent of parity, then the funds provided in the amendment which would otherwise accrue to such commodity would be used, so far as possible, to bring the producers' income up to 75 percent of parity in the case of commodities which were still below that price after the payments were made. That is not definitely stated in the House amendment; but the Department says that is the only construction that can be put upon it, and after investigating the matter I am convinced that that is the only reasonable construction of the House provision. I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Agriculture giving his construction of the House amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C.

HON. RICHARD B. RUSSELL, JR.,
United States Senate.

DEAR SENATOR RUSSELL: This is in response to your inquiry regarding the procedure which would be followed under the amendment adopted by the House on June 14, to title V of House Joint Resolution 679.

It is our understanding that under this amendment no funds would be used to bring the returns of any commodity above 75 percent of the parity price. In the event the funds allocated to any commodity under this amendment would, together with the farm price of the commodity, yield returns to producers in excess of 75 percent of the parity price, it is our understanding that the funds allocated to such commodity in excess of the amount required to bring producers' returns up to 75 percent of parity price would be reallocated to the other commodities for which such returns would be less than 75 percent of the parity price. It is

also our understanding that any reallocation of excess funds under this section would be made so as to bring the average return to producers from each commodity, including the payment thereunder, as nearly as may be possible to a uniform percentage, not in excess of 75 percent of the parity price.

Sincerely yours,

H. A. WALLACE, *Secretary.*

Mr. McNARY. Mr. President, will not the Senator from Georgia be kind enough to read the letter?

Mr. RUSSELL. I shall be glad to do so. I will omit the formal part of the letter, and just read the Secretary's ruling. This refers to the House amendment:

It is our understanding that under this amendment no funds would be used to bring the returns of any commodity above 75 percent of the parity price. In the event the funds allocated to any commodity under this amendment would, together with the farm price of the commodity, yield returns to producers in excess of 75 percent of the parity price, it is our understanding that the funds allocated to such commodity in excess of the amount required to bring producers' returns up to 75 percent of parity price would be reallocated to the other commodities for which such returns would be less than 75 percent of the parity price. It is also our understanding that any reallocation of excess funds under this section would be made so as to bring the average return to producers from each commodity, including the payment thereunder, as nearly as may be possible to a uniform percentage, not in excess of 75 percent of the parity price.

The letter is signed by the Secretary of Agriculture.

Mr. GILLETTE. Mr. President, will the Senator yield just for a question?

Mr. RUSSELL. I am glad to yield to the Senator from Iowa.

Mr. GILLETTE. In the statement just read from the Secretary of Agriculture, referring to this amendment, it is the House amendment that is referred to?

Mr. RUSSELL. The letter refers to the House amendment; and the Secretary states that he puts the same construction on the House amendment in regard to that particular phase of the matter that was placed upon the Senate amendment; so there is no difference in the two amendments in that respect. The only difference is in the distribution of the funds. As I have heretofore stated I do not believe that \$86,400,000 is fair to cotton when compared to \$68,000,000 to corn and \$53,000,000 to wheat, when the economic conditions and the number of farmers producing each commodity are considered. Though I consider the Senate amendment which I sponsored much the fairer proposition, I reluctantly agreed to no longer resist the House amendment when it became apparent it was the best we could expect to get.

Mr. POPE. Mr. President, will the Senator from Colorado yield to me?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. ADAMS. I yield to the Senator from Idaho.

Mr. POPE. As stated by the Senator from Colorado, the amendment adopted by the House is one which I offered in the Senate, but which was rejected. At the time I offered the amendment, I gave the figures as to distribution between corn, wheat, and cotton. At that time the figures were \$83,000,000 for cotton, about \$65,000,000 for corn, and about \$60,000,000 for wheat. Now, however, under the same method of calculation that was made then, the amount of wheat distribution has been reduced, and for this reason:

At that time, the Department estimated a crop of wheat this year of 950,000,000 bushels; but since that time the estimate was increased to 1,021,000,000 bushels. Also, an amendment passed the Senate and the House increasing the wheat acreage to a minimum of 55,000,000 bushels. Those elements entered into the calculation which brought down the amount of distribution for wheat; but I think this may be said: Due to recent conditions in the wheat area, particularly as to rust, the actual production of wheat probably will be brought down to 950,000,000 bushels or less. If so, the distribution to wheat will be larger, somewhere between \$53,000,000 and \$60,000,000.

I do not agree with the Senator from Georgia that under this amendment wheat will get less than it would have

received under the Russell amendment. My own judgment is, and that of the Department, I will say, that it will be considerably higher by several million dollars.

At the time I offered the amendment I said that it seemed to me the House amendment which has now been accepted by the conferees makes a little fairer distribution of the funds than the Senate amendment.

It must be remembered that cotton received, in section 32 funds, a considerable amount of money, and that under the Russell amendment, according to the figures received from the Department of Agriculture, cotton would have received just about as much as wheat and corn together. Under the amendment which I offered here on behalf of the Senator from Iowa [Mr. GILLETTE], and which was adopted by the House, it seems to me the distribution is a little fairer, and would actually work out, according to the best figures we could get, 11 or 12 cents a bushel for wheat, and probably 6 or 6½ cents per bushel for corn, with about a cent and three-quarters to 2 cents per pound under the Russell amendment for cotton.

Mr. McNARY. Mr. President, will the Senator yield at that point?

Mr. ADAMS. I yield to the Senator from Oregon.

Mr. McNARY. I am interested in the mechanics employed by the Senator to arrive at these figures. The amendment as suggested by the able Senator from Georgia [Mr. RUSSELL] was based upon bushel payments and pound payments. What mechanics did the able Senator from Idaho use to arrive at these figures, if he did not use the units of bushels and pounds?

Mr. POPE. I will say to the Senator that the Senate has already passed a bill, the Agricultural Adjustment Act of 1938, in which there are two formulas—one for distributing soil-conservation funds, and the other for making distribution of parity payments. A combination of the two, one-half to be distributed on the basis of section 104 relating to soil conservation, and the other half on the basis of section 303, providing for parity payments, makes the formula here.

Mr. McNARY. It was compounding the two formulas, one under the A. A. A. and one under the soil conservation and domestic allotment plan?

Mr. POPE. Yes.

Mr. McNARY. And had no reference to an arbitrary sum per bushel or per pound?

Mr. POPE. Exactly. The reason for that, I will say to the Senator, was this:

In this year's cotton crop there has been a very large curtailment of production. That is not true of wheat and corn to the same extent. When the farm bill was passed, the winter wheat crop had already been planted, a very large acreage; so it was apparent that there would be a large acreage of wheat this year. Therefore, the parity payment formula contained in the farm bill was not entirely accurate and fair when applied to the situation as it now exists.

When the bill gets into operation, with the curtailment of production or the adjustment of production provided therein, then the formula provided would be fair; but in the interim between the full application of the bill and the situation which existed at the time of the passage of the bill this seemed to be a fair proposition all the way around, and I said at the time I offered the amendment and I say now that I think it is a fair distribution of the funds.

Mr. GEORGE. Will the Senator from Idaho be good enough to say what he estimates will be paid on the cotton produced this year under the amendment as it now stands?

Mr. POPE. According to the information I have received from the Department, it would vary between 1¾ cents to 2 cents per pound.

Mr. RUSSELL. The figures submitted by the Department were \$86,400,000.

Mr. GEORGE. Under the original amendment adopted by the Senate, offered by my colleague, it would have been more than \$100,000,000.

Mr. RUSSELL. It would have been in the neighborhood of \$100,000,000.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ADAMS. Mr. President, there was one item remaining in disagreement; amendment numbered 72. As to that the conferees ask that the Senate concur in the House amendment with an amendment. I move that the Senate concur in the House amendment with an amendment.

Mr. KING. Mr. President, let the amendment be stated.

The PRESIDING OFFICER. The clerk will state the proposed amendment proposed to the House amendment.

The LEGISLATIVE CLERK. In the amendment of the House it is proposed to insert the following:

\$700,000: *Provided*, That no part of any appropriation contained in this or any other act for the fiscal year ending June 30, 1939, shall be available for the payment of enlistment allowance to enlisted men for reenlistment within a period of 3 months from date of discharge as to reenlistments made during the fiscal year ending June 30, 1939, notwithstanding the applicable provisions of sections 9 and 10 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922 (37 U. S. C. 13, 16).

Mr. WALSH. Mr. President, I understand that the bill as it passed the House contained a provision for the use of funds from this appropriation for reenlistments in the Army, and no provisions were made for the use of any of the appropriation for the payment of reenlistments in the Navy, the Marine Corps, or the Coast Guard.

Mr. ADAMS. That is correct.

Mr. WALSH. The purpose of the amendment is to eliminate the provision for payment in case of reenlistments in the Army because it is discriminatory against the other services and civil forces, which formerly received reenlistment pay and allowances.

Mr. ADAMS. That is correct, and it is to open the way for statutory clearing of the whole situation.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

INTEREST RATE ON FEDERAL LAND BANK AND LAND BANK COMMISSIONER'S LOANS—VETO MESSAGE

The VICE PRESIDENT laid before the Senate a message from the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 14 (calendar day, June 15), 1938.

The House of Representatives having proceeded to reconsider the bill (H. R. 10530) entitled "An act to extend for 2 additional years the 3½-percent interest rate on certain Federal land bank loans, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans until July 1, 1940," returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The VICE PRESIDENT also laid before the Senate the veto message of the President of the United States, which was read, as follows:

To the House of Representatives:

I return herewith, without my approval, H. R. 10530, entitled "An act to extend for 2 additional years the 3½-percent interest rate on certain Federal land bank loans, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans until July 1, 1940."

Section 1 of the bill extends for 2 additional years beginning July 1, 1938, the 3½-percent interest rate on certain Federal land-bank loans.

Section 2 of the bill extends for approximately 1 year—that is, from July 22, 1939, to June 30, 1940—the 4-percent interest rate on Land Bank Commissioner loans.

SECTION 1. FEDERAL LAND-BANK LOANS

The question presented by the proposed legislation is not whether Federal land bank borrowers shall be required

during the coming year to pay interest on their Federal land bank loans at the full rates specified in their mortgage contracts; the question is the amount of reduction that shall be effected. Since the average contract rate of interest on outstanding Federal land bank loans is approximately 5 percent, the emergency 4-percent rate provided for under present law would mean an average interest reduction of 20 percent to Federal land bank borrowers during the fiscal year 1939. It amounts to an average reduction of approximately 28 percent in the case of those borrowers whose contract rates of interest exceed 5 percent. Thus if this bill does not become law there will still be savings to borrowers amounting to from 20 percent to 28 percent.

The interest reductions granted to Federal land bank borrowers will have involved upon the expiration of the present provisions of law in July 1939 a total cost to the Treasury estimated at approximately \$143,500,000. If H. R. 10530 becomes law, the total cost to the Treasury to June 30, 1940, is estimated at \$183,900,000.

The burden of interest charges on a typical farmer who refinanced his 6-percent private loan with a Federal land bank in 1933 would appear to be less on the basis of present prices, and the emergency Federal land bank interest rate of 4 percent provided for under present law less than the burden which was carried by the same farmer on his old loan during the period 1910-14 or during the period 1921-30.

As of March 31, 1938, approximately 86 percent of all loans of the Federal land banks were in good standing as opposed to approximately 50 percent delinquency when the emergency legislation was first passed.

SECTION 2. LAND BANK COMMISSIONER LOANS

A reduced rate of interest on Land Bank Commissioner loans was first provided for by the act of July 22, 1937, which fixed the rate at 4 percent for a period of 2 years from the date of its enactment. Under the provisions of H. R. 10530 the emergency 4-percent rate would be continued from July 22, 1939, to June 30, 1940. There would appear to be no substantial reason for establishing at this time a policy with respect to the interest rate on Land Bank Commissioner loans for the period beginning July 22, 1939.

The total cost to the Treasury of interest reductions on Land Bank Commissioner loans to the expiration of the date of the existing act, July 21, 1939, is estimated at \$16,500,000. If the 4-percent rate is extended to June 30, 1940, an additional expense of \$8,300,000 is estimated.

Adding the expense of interest reductions on Land Bank Commissioner loans to the estimated cost of such reductions on Federal land bank loans, the total cost to the Treasury upon the expiration of the provisions of existing law in July 1939 would approximate \$160,000,000. If H. R. 10530 becomes law, the total cost to the Treasury to June 30, 1940, on both Federal land bank and Land Bank Commissioner loans is estimated at \$208,700,000.

For all these reasons I am constrained to withhold my approval of the bill. H. R. 10530.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 15, 1938.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Under the Constitution the yeas and nays must be ordered, so the Chair directs the clerk to call the roll.

The legislative clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. NYE's name was called). The junior Senator from North Dakota [Mr. NYE] and the senior Senator from North Dakota [Mr. FRAZIER] are unavoidably absent from the Senate. If present, both would vote "yea" on this question.

Mr. VANDENBERG (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VAN NUXE], who is absent. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Massachusetts [Mr. LODGE] are necessarily absent. If present and voting, both these Senators would vote "yea."

Mr. LEWIS. I am authorized to state to the Senate that the Senator from Nevada [Mr. McCARRAN], the Senator from Indiana [Mr. VAN NUYS], the Senator from New York [Mr. COPELAND], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], the Senator from New Jersey [Mr. SMATHERS], and the Senator from California [Mr. McADOO] would, were they present, vote "yea" on this question. These Senators are unavoidably detained.

I announce that the Senator from New York [Mr. COPELAND] is detained from the Senate because of illness.

The Senators from Washington [Mr. BONE and Mr. SCHWELLENBACH] are detained in Departments on matters concerning the State of Washington. I am advised that if present and voting they would vote "yea."

The Senator from Maryland [Mr. RADCLIFFE] is unavoidably detained. On this question he has a pair with the Senator from Oklahoma [Mr. THOMAS] and the Senator from South Carolina [Mr. SMITH]. If present and voting, the Senator from Oklahoma and the Senator from South Carolina would vote "yea," and the Senator from Maryland would vote "nay."

The Senator from Tennessee [Mr. BERRY], the Senator from Illinois [Mr. DIETERICH], and the Senator from New Jersey [Mr. MILTON] are detained on important public business.

Mr. BYRNES. My colleague the senior Senator from South Carolina [Mr. SMITH] is unavoidably absent. If present, he would vote "yea."

The result was—yeas 57, nays 18, as follows:

YEAS—57

Andrews	Davis	Johnson, Colo.	Pope
Austin	Donahey	La Follette	Reames
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Logan	Russell
Billbo	George	Loneragan	Schwartz
Borah	Gibson	Lundeen	Sheppard
Brown, Mich.	Gillette	McGill	Shipstead
Brown, N. H.	Hale	McKellar	Townsend
Bulkley	Harrison	McNary	Truman
Bulow	Herring	Miller	Tydings
Byrd	Hill	Murray	Wagner
Capper	Hitchcock	Neely	Wheeler
Caraway	Holt	Norris	
Clark	Hughes	Overton	
Connally	Johnson, Calif.	Pepper	

NAYS—18

Adams	Chavez	Hatch	O'Mahoney
Ashurst	Gerry	King	Pittman
Bailey	Glass	Lewis	Walsh
Burke	Green	Maloney	
Byrnes	Guffey	Minton	

NOT VOTING—21

Berry	Hayden	Radcliffe	Vandenberg
Bone	Lodge	Schwollenbach	Van Nuys
Bridges	McAdoo	Smathers	White
Copeland	McCarran	Smith	
Dieterich	Milton	Thomas, Okla.	
Frazier	Nye	Thomas, Utah	

The VICE PRESIDENT. On this vote the yeas are 57 and the nays are 18. Two-thirds having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, at this time it is necessary to have a very brief executive session to consider certain judicial nominations. I will say to Senators that the executive session should last for only a few minutes, after which I shall move that the Senate resume legislative session.

I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

POSTMASTERS

Mr. McKELLAR. From the Committee on Post Offices and Post Roads I report favorably the nominations of a

number of postmasters. I ask unanimous consent for their immediate consideration and confirmation en bloc.

The VICE PRESIDENT. The Senator from Tennessee, from the Committee on Post Offices and Post Roads, has favorably reported certain nominations of postmasters, and asks unanimous consent for their immediate consideration. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

POSTMASTER—ALTOONA, PA.

Mr. McKELLAR. Mr. President, I move that the vote of the 13th instant by which the Senate rejected the nomination of Arthur B. Clark to be postmaster at Altoona, Pa., be reconsidered, and that the nomination be now confirmed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote by which the nomination was rejected is reconsidered, and the nomination is confirmed.

The clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of William Clark, of New Jersey, to be judge of the United States Circuit Court of Appeals for the Third Circuit.

Mr. BURKE. I ask that that nomination be passed over.

The VICE PRESIDENT. Without objection, the nomination will be passed over.

The legislative clerk read the nomination of Albert Branson Maris, of Pennsylvania, to be judge of the United States Circuit Court of Appeals for the Third Circuit.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edward A. Conger, to be United States district judge for the southern district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John A. Matthewman, to be fifth judge of the first circuit, of the circuit courts, Territory of Hawaii.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Bolitha J. Laws, of Washington, D. C., to be associate justice of the District Court of the United States for the District of Columbia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Douglas W. McGregor, to be United States attorney for the southern district of Texas.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Marion B. Noyes to be passed assistant surgeon, to rank as such from July 1, 1938.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CIRCUIT COURT OF APPEALS—WILLIAM CLARK

Mr. ASHURST. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the various nominees for judicial offices.

Mr. BORAH. Mr. President, the able Senator from Nebraska asked that the nomination of William Clark, of New Jersey, be passed over.

Mr. ASHURST. Yes.

Mr. BORAH. Do I understand that to mean that the nomination goes over for the term?

Mr. ASHURST. It is my understanding that there will be another executive session later in the day.

Mr. BARKLEY. I will say to the Senator from Idaho that it is contemplated that we shall have another executive session later in the day, at which time I hope that the nomination of Judge Clark may be confirmed, but I have no assurance with respect to that matter.

Mr. ASHURST. With respect to the nomination of Judge Clark, I voted in the committee to report his nomination favorably and will vote to confirm the nomination, if opportunity is given.

I appreciate the reasons of objection on the part of the able Senator from Nebraska to confirmation. Other Senators have notified me that they desire to make further investigation of this nomination.

The Senate has a historic policy of not hurrying the confirmation of judges. I respect that tradition, and have lived up to it. Therefore, much as I am in favor of the confirmation of the nomination of Judge Clark, I would not be a party to hurrying a nominee to confirmation, without proper investigation.

Mr. BORAH. Mr. President, I have no objection to a discussion of the nomination, but I should like sufficient time to be afforded for that purpose, so that a vote may be taken after full discussion. If the matter is to go over until later today, and should then be taken up at the very moment when the Senate is about to adjourn, of course we would have no opportunity to discuss and to vote on the nomination. I should like to have the matter discussed at the present moment.

Mr. ASHURST. Mr. President, I may say that from my viewpoint such action is in order.

Mr. BURKE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BURKE. The confirmation of the nomination which is now under discussion at this time requires unanimous consent, as I understand.

The VICE PRESIDENT. It does. However, any Senator may move that the Senate, in executive session, proceed to consider the nomination for the purpose of debating it.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. This nomination is on the calendar. I have no desire to rush it or to press for action at this time. It was partly for that reason that I saw no objection to the nomination going over. But it is in order for any Senator to move to proceed to consider the nomination.

The VICE PRESIDENT. Such a motion is in order.

Mr. BORAH. Mr. President, I move that the Senate proceed to consider the nomination of William Clark, of New Jersey, to be judge of the United States Circuit Court of Appeals for the Third Circuit.

Mr. BURKE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BURKE. I object to the motion to consider the nomination, as being out of order.

The VICE PRESIDENT. The motion is in order for the Senate to proceed to the consideration of the nomination. If the motion is agreed to, it is debatable, and any Senator who wishes to express himself upon it, may do so.

Mr. BURKE. Mr. President, the nomination appears on the calendar for the first time; and under the rules of the Senate may be considered today only by unanimous consent.

The VICE PRESIDENT. The Chair is informed by the Parliamentarian that as a legislative matter that statement is correct. This is the first such experience the Chair has had with an executive matter. The Parliamentarian advises the Chair that the same situation does not apply to executive matters. The Chair does not know just what rule covers the matter, but the Chair has been informed as stated.

Mr. BORAH. Mr. President, if the Senator from Nebraska desires to have the nomination go over to enable him to make a further investigation and to discuss it I have no objection, provided the Senator will agree to a vote on the question sometime during the day. If the Senator will agree to vote, I have no objection to the nomination going over.

Mr. BURKE. I will not consent to a unanimous-consent agreement unless the rules of the Senate require it. I should like to have a little further elucidation on the distinction between nominations on the executive calendar and bills on the legislative calendar. I know of no rule of the Senate which makes a distinction. The uniform procedure

heretofore has been that one objection on the first day a nomination is on the calendar is sufficient to cause the nomination to be passed over.

Mr. McNARY. Mr. President, may I be heard on the matter? If a nomination is reported by a committee one day, it must go over if there is objection to its consideration. If the nomination is reported on one day, and appears the next day on the calendar as an order, it may then be considered. Yesterday the report was made, and it has lain over for a full day. The nomination is now on the calendar, and must be considered if a motion is made and agreed to for its consideration.

The VICE PRESIDENT. That is what the Chair has ruled.

Mr. BARKLEY. Mr. President, I think the spirit of the rule and the custom in executive session have been that a nomination requiring unanimous consent for its consideration must go over if any Senator objects. However, when the nomination has been placed on the calendar, and has come over from a previous day, it is in order, in spite of objection, to move to proceed to consider it.

The VICE PRESIDENT. In a case requiring unanimous consent, a single objection is sufficient to cause the nomination to be passed over. However, when the nomination is on the calendar, if any Senator desires to move that the Senate proceed in executive session to consider the confirmation of the nomination of a judge, or any one other nominee, he is privileged to do so. As the Chair understands, the Senator from Idaho [Mr. BORAH] has moved that the Senate proceed in executive session to consider the nomination of Judge Clark. The question is, Will the Senate agree to that motion?

Mr. McNARY. Mr. President, I should like to be heard for a moment on the parliamentary situation. I think I am conversant with the rule. There is no difference between a legislative matter and an executive matter, so far as an order on the calendar is concerned. If today, or any other day, I offer a bill or report from a committee, before it goes on the calendar objection may be made to its immediate consideration. The same rule applies to matters in executive session. It is not now in order to object to the consideration of the nomination, because the report was made yesterday, the nomination is now on the calendar, and, therefore, is subject to a motion to proceed to its consideration. So there is no difference in that respect between a legislative matter and an executive matter.

The VICE PRESIDENT. The motion is debatable.

Mr. BORAH. Mr. President, before we vote upon the matter, I wish to repeat that if those who are objecting to consideration of the nomination will agree that sometime during the day we may vote upon the matter, I shall not insist upon it being taken up at this time. I merely wish to have it disposed of today. There are reasons why it should be disposed of at this time. The nomination having been reported and being on the calendar, there is very good reason why it should be disposed of at this time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BARKLEY. I feel very much as the Senator from Idaho does with respect to the nomination. I think it ought to be disposed of today. I have conferred with the Senator from Nebraska [Mr. BURKE]. I do not think his objection is capricious. It was my understanding that his objection might possibly be obviated later in the day. Of course, there is no guaranty of that. If the nomination goes over, I shall cooperate to the full extent of my ability to bring about another executive session as soon as possible, in order that the Senator from Idaho may make his motion, in the hope that in the meantime the Senator from Nebraska, upon further investigation, may withdraw his objection. I am not in a position to say that the Senator from Nebraska will do so.

Mr. BURKE. I think it would be much better to have the matter come up later in the day. I do not wish, by giving unanimous consent, to waive any right of objection I may have. Apparently, under the rule, we would be in the same position when the matter came up later in the day, at

a later executive session, as we are in now. If that be so, I think it would be better to have the matter come up later in the day. I do not care, by giving unanimous consent, to waive any rights which may now be recognized, or may hereafter be recognized in the way of an objection.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. LA FOLLETTE. Every Senator here knows the practical situation with which we are confronted. If the nomination is not acted upon and disposed of now, and we return to legislative session and the important measures are disposed of, there will not be a quorum here after the 4 o'clock trains begin to leave in the afternoon. If the Senator from Idaho [Mr. BORAH] is to have an opportunity for determination as to whether or not the Senate will confirm the nomination, in my opinion, he must have it now or not at all.

Mr. BORAH. Mr. President, I ask for the yeas and nays upon my motion.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. I am not concerned about this particular nomination, but I do think that, in justice to the procedure of the Senate, there should be some further elucidation of the ruling of the Chair a moment ago to the effect that there is a difference in the rule between the matter of legislative sessions and the matter of executive sessions.

Let me say that it seems to me that the meaning of the word "day" in the rules of the Senate is a matter which should have been cleared up long ago. The present state of affairs, so far as the late rulings of the Chair since I have been a Member of the Senate are concerned, is that in one case, namely, when the question is involved as to how often a Member may speak in the course of a day, the rule provides that a Senator may make only two speeches in the course of a day. That rule has been held by the Chair on several occasions in the past 3 or 4 years to mean that a Senator may speak only twice in 1 legislative day, which may mean a day extending over a whole session, or, as in the present situation, a day extending over nearly 3 months. On the other hand, if I understand the decision—and the Chair will correct me if I am wrong—the term "day" as applied to the executive calendar, means a calendar day. I, myself, am unable to discover any difference in the rule in the use of the word "day" in the one case and the use of the word "day" in the other case. Personally, I think the original ruling—that the limitation on the number of times a Senator may speak in 1 day applies to a legislative day—is erroneous, because I believe the use of the word "day" in every such case should mean a calendar day. I am unable to discover any basis in the rules for a distinction in the use of the word "day" in the case of debate and the word "day" in the case of reports. I should be very happy—and I am certain the Senate would—if the Chair would elucidate the basis of the distinction.

The VICE PRESIDENT. The Chair would be glad to do so, but he would also be glad if the Rules Committee could have at least an hour, or a day, to consider the various contradictory matters which have come up, as the Senator from Missouri has pointed out. Undoubtedly an executive day means a calendar day. As the Senator from Oregon [Mr. McNARY] has just pointed out, the nomination comes over from yesterday. We are in the same legislative day we had a couple of weeks ago. However, so far as executive sessions are concerned, it is another calendar day, as admitted by all. So the Chair thinks that undoubtedly the Parliamentarian is correct when he says that, as applied to an executive session, each calendar day, regardless of legislative days, is a "day" within the purview of the rule requiring a nomination to lay over 1 day.

The Chair agrees with the Senator from Missouri that when the rule says a "day" it means 24 hours, and does not mean a month.

Mr. CONNALLY. Mr. President, is it the opinion of the Chair that rule XIX, relating to debate, which says that a Senator shall speak only twice in a day, means 24 hours?

The VICE PRESIDENT. The Senator is now referring to legislative matters. The question under discussion relates to executive sessions, and what constitutes a day in executive sessions.

Mr. CONNALLY. However, the Chair suggested that there was a difference between legislative matters and executive matters.

The VICE PRESIDENT. There has been a difference, under the rulings of the Senate itself. The Senate has said that the rule relating to two speeches in 1 day means that if the Senate stays in session on 1 legislative day for 60 days, a Senator may speak only twice during the 60 days.

Mr. CONNALLY. That would not be the first time the Senate has been wrong.

The VICE PRESIDENT. The Chair is not responsible for the Senate being wrong.

The question is on the motion of the Senator from Idaho [Mr. BORAH] that the Senate proceed to consideration of the nomination of William Clark to be a judge of the United States Circuit Court of Appeals for the Third Circuit. On that question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. LEWIS. I announce that the Senator from New York [Mr. COPELAND] is detained from the Senate because of illness.

The Senator from Colorado [Mr. ADAMS], the Senator from South Carolina [Mr. BYRNES], the Senator from Virginia [Mr. GLASS], the Senator from Arizona [Mr. HAYDEN], and the Senator from Tennessee [Mr. McKELLAR] are detained in a meeting of the Committee on Appropriations.

The Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. DONAHEY], the Senator from Arkansas [Mr. CARAWAY], the Senator from New Hampshire [Mr. BROWN], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. HARRISON], and the Senator from Montana [Mr. WHEELER] are detained in various committee meetings.

I further announce that the Senator from Tennessee [Mr. BERRY], the Senator from Illinois [Mr. DIETERICH], the Senator from California [Mr. McADOO], the Senator from Nevada [Mr. McCARRAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Indiana [Mr. VAN NUYS] are detained on important public business.

The Senator from Washington [Mr. SCHWELLENBACH] is detained on departmental matters.

The Senator from Maryland [Mr. RADCLIFFE] and the Senator from New Jersey [Mr. MILTON] are unavoidably detained.

The result was announced—yeas 61, nays 3, as follows:

YEAS—61

Andrews	Davis	La Follette	Pittman
Ashurst	Duffy	Lee	Pope
Austin	Ellender	Lewis	Reames
Barkley	George	Logan	Reynolds
Bilbo	Gibson	Lorgan	Russell
Bone	Gillette	Lundeen	Schwartz
Borah	Green	Maloney	Sheppard
Brown, Mich.	Guffey	McGill	Shipstead
Bulkeley	Hatch	McNary	Townsend
Bulow	Herring	Minton	Truman
Burke	Hill	Murray	Tydings
Byrd	Hitchcock	Neely	Wagner
Capper	Holt	Norris	Walsh
Chavez	Hughes	O'Mahoney	
Clark	Johnson, Calif.	Overton	
Connally	Johnson, Colo.	Pepper	

NAYS—3

Gerry	King	Miller
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NOT VOTING—32

Adams	Copeland	Lodge	Smathers
Bailey	Dieterich	McAdoo	Smith
Bankhead	Donahay	McCarran	Thomas, Okla.
Berry	Frazier	McKellar	Thomas, Utah
Bridges	Glass	Milton	Vandenberg
Brown, N. H.	Hale	Nye	Van Nuys
Byrnes	Harrison	Radcliffe	Wheeler
Caraway	Hayden	Schwollenbach	White

So Mr. BORAH's motion was agreed to; and the Senate proceeded to consider the nomination of William Clark, of New Jersey, to be a judge of the United States Circuit Court of Appeals for the Third Circuit.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

Mr. BURKE. Mr. President, my reason for raising the point in reference to this nomination can be stated in a very few words.

The Senate Committee on the Judiciary and the House Committee on the Judiciary have both given very extensive consideration during the present session of Congress to the matter of an increase in the number of judges on the inferior courts, where the record shows that more judges are needed. Sometime ago a measure providing such increase was passed. During the same period vacancies have occurred on some of these courts; so that a very considerable number of places, as we approach the end of the session, remain to be filled. It was the hope of all members of the committee, I am sure, that many of those places could be filled by men of outstanding qualifications, so that the work of the courts could be expedited, and, with very commendable promptitude, a considerable number of nominations have been submitted to the Senate. In most instances when these nominations came to the Judiciary Committee there was a unanimity of opinion in favor of the nominee, and the subcommittees and the Committee on the Judiciary were glad to carry out the purpose of building up the judiciary with the right kind of personnel by reporting the nominations promptly.

It has, however, seemed to me and to some other members of the committee that in the event any objection was raised to a nomination the committee, in spite of its desire to build up the personnel of the court, should not act hastily but should give all citizens a right to be heard in the matter. I do not know exactly what day this nomination came to the Senate, but, as I recall, it came on Monday of the present week. In any event, it was referred to a subcommittee, which was called to meet on Tuesday morning, on very short notice. There were witnesses, however, who appeared at the subcommittee meeting. One of them was an ex-Governor of the State of New Jersey, a former judge, and a reputable citizen, who, in the brief time that the hearing was held, attempted to state the reasons why he thought that there should be a more thorough hearing. I was not on the subcommittee, but was present during a part of the hearing. I will say frankly I was not very greatly impressed by the presentation made by the particular witness against the qualifications of Judge Clark; but it did seem to me that he made a very good showing on the one point as to the advisability of the Senate acting somewhat slowly in the matter and taking time to give consideration to it.

Personally, I have heard from lawyers in New Jersey in whom I have the utmost confidence. Some of them have expressed a very high opinion of the nominee and would be glad to have his nomination confirmed. Others have said, without hesitation, that they think there are matters in the record and in the life of Judge Clark that call for investigation and very serious consideration by the committee and by the Senate before confirmation is granted.

I myself do not know Judge Clark at all. The only acquaintance I have had with any decision he has rendered is with the famous one a few years ago in which he found that the National Prohibition Act itself was unconstitutional. I recall having read that decision at the time, and I formed in my own mind somewhat of an opinion as to the mental processes of the judge who rendered that famous decision. But, on the other hand, many lawyers in whom I have confidence say that Judge Clark has real ability as a lawyer. However, it was because of the fact that citizens of New Jersey who are acquainted with Judge Clark, who know about his work, and know about him, have felt that this was a matter that should not be acted upon without thorough deliberation and consideration, that I took the position which I did in asking that the nomination go over, and, under the circumstances, I shall vote against confirmation when the vote

comes, not because I have any settled opinion that the judge may not be qualified but because I am thoroughly convinced that the Senate should not act hastily in these matters.

Mr. LEWIS. Mr. President—

Mr. BURKE. I yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I merely rise to inform the able Senator from Nebraska that, either he has fallen into error by the mere description or, possibly, he is not informed. As I remember the history—and I participated in the discussion of the subject generally over the country—the decision of Mr. Justice Clark as to prohibition was upon the amendment which was tendered by the Congress; and upon that amendment I think his opinion was that it was unconstitutional because of its contradictory relation or otherwise to the general spirit of the Constitution. He rendered no decision, however, as I recall, upon the Prohibition Act. Am I not right in that regard?

Mr. BURKE. My statement was based only on my recollection running back several years. It may be that the Senator from Illinois is entirely correct; but I have in my mind the very firm impression that Judge Clark had held that the amendment itself was unconstitutional. That, however, is rather immaterial. It was merely mentioned casually, in passing.

Mr. LEWIS. I thought it was on that basis that the Senator was objecting to confirmation.

Mr. WAGNER. Mr. President, will the Senator yield on that point?

Mr. BURKE. Yes; I yield.

Mr. WAGNER. I do not know what conclusion the Senator reached as to the legal acumen of the judge because of that particular decision; but the Senator will remember that one whom we all regarded as a leader of the bar, the late Senator Elihu Root, absolutely agreed with Judge Clark in the United States Supreme Court. So there were eminent lawyers of the country who, whether right or wrong, were in accord with Judge Clark's view upon that question.

Mr. BURKE. I mentioned the matter of Judge Clark's decision only for the purpose of saying that that was the only acquaintance I had ever had with him; and it left no definite conclusion in my mind one way or the other as to his ability, except that as the matter was reported in the newspapers at the time it raised a little doubt. If he was expressing the views of Elihu Root, I should say he was in very good company at that time.

I repeat—and this is all I care to say on the subject—that my opposition to the confirmation of this nomination is based not upon any definite fact or certain knowledge that convinces me that the nominee is not qualified, but because reputable citizens of New Jersey express a desire to be heard in opposition to his confirmation. In the case of an appointment, remember, for life or on good behavior, to a court ranking second only to the Supreme Court of the United States, I am firmly convinced that it would be much better to let the matter go over and have it considered at a later time. So far as the judge himself is concerned, it will not greatly interfere with his usefulness. He now is and has been for several years, United States district judge in New Jersey, and he will continue to function as United States district judge.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Missouri.

Mr. CLARK. The Senator says reputable citizens of New Jersey expressed a desire to be heard on the matter of this nomination. Can the Senator tell us whether any reputable citizens of New Jersey requested to be heard before the subcommittee and were refused a hearing? I was informed by the chairman of the subcommittee that everybody who wanted to be heard was heard, and that only one lawyer appeared against confirmation.

Mr. BURKE. That is undoubtedly true.

Mr. HUGHES. Mr. President, will the Senator yield just on that line?

Mr. BURKE. Yes; I yield.

Mr. HUGHES. I happen to be the chairman of the Senate subcommittee. Former Governor Silzer came to me the day before we had the hearing.

Mr. BURKE. That was on Monday of this week.

Mr. HUGHES. I said to him, "You appear, and you get as many others to appear as you feel would be opposed to the nomination." We also sent out notices to persons whose names he gave us to appear at that time. The only person who did appear, the only person we had any knowledge of opposing the nomination and wishing to appear, was the former Governor himself; and I think the Senator from Nebraska was present when he was on the stand.

Mr. BURKE. That is correct.

Mr. HUGHES. The Senator can realize how unsatisfactory he seemed to be. We could not get him down to stating his real objections to Judge Clark. There was no other application for hearing, and a great many persons had communicated with us favoring confirmation of the nomination. I happen to reside in the third circuit, and have practiced before Judge Clark in his district. I have been before him twice within the past 3 years, and I know him personally. I have also communicated with a number of members of the bar whom I know in the State of New Jersey; and I felt satisfied that there could be no valid objection to his being promoted to the circuit court of appeals. For that reason, and because of the fact that there seemed to be no one who wanted to come before the subcommittee and be heard except former Governor Silzer, whose evidence was so unsatisfactory, I felt, and the committee felt, that there should be a favorable recommendation.

The former Governor referred to several cases. He referred to the "Dutch" Schultz case. He seemed to have been in that case. He referred to the Parker case, and said the attorneys were badly treated in the Parker case. I received only yesterday a telegram from Mr. Green, a prominent attorney at Newark, in which he said, referring to Judge Clark, that he—Mr. Green—was associate counsel in the Parker case, and at its conclusion his senior colleague and he agreed that the trial had been fairly conducted, and that they were extended every latitude and every courtesy. I had a number of other communications of the sort by telephone, and I was well satisfied that there was no real opposition from persons who ought to be heard.

Judge Clark has presided in many important cases in that part of New Jersey, some of them gangster cases, and, of course, he incurred no love of those people when possibly he was a little stern with them.

I know Judge Clark to be a very able lawyer, and I know him to be a very fearless judge. Nobody doubts his courage. As I say, I am a practicing attorney in the circuit to which he has been appointed. We need that sort of a judge there; and I am very anxious that he shall be confirmed.

Mr. BURKE. Mr. President, may I ask the Senator a question in my own time? As I understand, the conversation which the Senator from Delaware had with ex-Governor Silzer was on Monday of this week.

Mr. HUGHES. Monday of this week.

Mr. BURKE. Before noon or afternoon?

Mr. HUGHES. Just about noon.

Mr. BURKE. About noon on Monday; and the hearing was called for 10 o'clock the following morning. Under those circumstances, and on that much notice, of course, it is not surprising that witnesses were not present.

Mr. HUGHES. If the Senator will yield a moment, I will say that the Governor found no fault with that. He said he thought he could have the witnesses present and he asked that witnesses be summoned and we notified the witnesses.

Mr. BURKE. Since I have been speaking, this telegram has been delivered to me here at the desk:

NEWARK, N. J., June 16, 1938.

United States Senator BURKE,
Senate Judiciary Committee, Senate Office Building:
Filed protest against Clark appointment. Hundreds oppose hearing held without notice; court records analyzed; beg opportunity to present facts.

B. BAYARD STRELL.

Also this telegram:

JAMAICA, N. Y., June 16, 1938.

Hon. EDWARD R. BURKE,

United States Senate:

It is submitted respectfully that if Judge Clark is confirmed to third circuit court in the face of data furnished by me, that it can only mean the honorable Senate is approving unlawful interference between judges. Also approving libelous attacks by judges on citizens attempting to protect court integrity. Also authorizing false statements by judges to House Judiciary Committee in impeachment proceedings.

W. P. DEPPE.

I do not know Mr. Deppe, nor do I know Mr. Strell. I merely read the telegrams which were handed to me since I have been speaking.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BURKE. Yes; I yield to the Senator from New York.

Mr. WAGNER. Does not the Senator interpret the last telegram as an attack upon judges generally, and not upon Judge Clark?

Mr. BURKE. I will let the Senator from New York draw his own conclusions.

Mr. LEE. Mr. President, will the Senator from Nebraska yield to me to ask a question of the chairman of the subcommittee?

Mr. BURKE. Yes.

Mr. LEE. Have both Senators from New Jersey endorsed this judge?

Mr. HUGHES. The junior Senator from New Jersey, so far as I know, has not done so. At the present time he is participating in a case in New Jersey, in which Judge Clark is sitting, which we know as the Hague case. I understand from the chairman of the committee and from the clerk of the committee that he has been communicated with and has not given an answer.

Mr. ASHURST. Mr. President, the Senator now refers to the junior Senator from New Jersey [Mr. MILTON]?

Mr. HUGHES. The junior Senator from New Jersey [Mr. MILTON].

Mr. ASHURST. The Senator from Delaware is correct.

Mr. HUGHES. The senior Senator from New Jersey [Mr. SMATHERS] did approve the nomination.

Mr. LEE. May I ask the Senator further whether the Department of Justice held an investigation? They usually hold a preliminary investigation.

Mr. HUGHES. The Department of Justice did.

Mr. BURKE. Just a minute. A representative of the Department of Justice appeared at the hearing before the subcommittee. I asked him what investigation they held. He said, bearing out what the chairman of the subcommittee said, that a representative of the Department interviewed certain persons about the matter, but that they had no file and did not have recommendations from other people, and he had carried on no real investigation other than sending a representative to New Jersey to see certain persons, because of the fact that Judge Clark had been a judge since 1925, and at that time he had some high recommendations.

Mr. HUGHES. He had been on the bench all those years and, of course, they had his record.

Mr. LEE. The fact, then, that the junior Senator from New Jersey has not endorsed him is very likely because he is engaged in a case over which the judge is presiding?

Mr. HUGHES. We have had no answer from the Senator.

Mr. LEE. There is no protest from him?

Mr. HUGHES. None at all. The chairman of the Committee on the Judiciary tried to contact him, but the Senator has not given any answer. Why he has not I do not know.

Mr. LEE. The Department of Justice recommended the appointment of this judge?

Mr. HUGHES. Yes.

Mr. BURKE. Mr. President, continuing from the point which I had reached when questions were asked, I say that no appreciable harm would be done to Judge Clark if this matter were allowed to go over, as he is now serving as district judge, and, as Senators have just stated, is even at this time presiding over the trial of a very famous case in New Jersey. With the summer vacation coming on, and

his duties on the district bench before him in the fall, the Senate would soon be in session again, and action could be taken in an orderly way.

Mr. CONNALLY. The President can reappoint him as soon as we adjourn, can he not?

Mr. BURKE. That would be a second reason as to why no harm could be done by putting this over. I know of no reason why, even though the name had been submitted to the Senate and passed over, a recess appointment could not be made if the President so desired.

Mr. CONNALLY. Let me say to the Senator that I am not familiar with the facts, but it seems to me that if there is any serious objection in the minds of two or three Senators over confirming a judge, we should not proceed hastily. We spend months trying a judge on an impeachment charge, when probably careful inquiry into the judge's qualifications in the beginning would save all that trouble. I saw Judge Clark on only one occasion, when he was appearing at the hearing on the resolution of the Senator from Nebraska. I think he was one of the witnesses who appeared on that resolution. Except that he was the judge who held the eighteenth amendment unconstitutional, I never heard of any other judicial distinction he ever attained.

Mr. BURKE. I would say, in furtherance of what the Senator from Texas has said, that I am in a like position with him, except that I have never seen the judge. I do not know him at all. My reason for opposing action at this time is that, as the Senator from Texas has said, if sufficient has been suggested to a few Senators to cause them to doubt whether the nomination should be confirmed without a further hearing, the matter should go over. That is exactly the position in which I find myself. Upon the statements of attorneys in New Jersey, whose names I do not care to mention at this moment, but in whom I have great reliance, doubt has been raised in my mind, serious doubt, as to the advisability of placing Judge Clark upon the circuit court of appeals of the third circuit. Therefore I felt it my duty to ask that the matter be more thoroughly investigated. If other Senators feel that, in spite of the doubt which has been raised in the minds of some of us, the Senate nevertheless should proceed and confirm the judge immediately; that is the responsibility of the Senate. For myself, whenever a doubt is raised about a judicial appointment, I propose, so far as I can individually, to take all the time I need until the doubt has been resolved one way or the other.

In conclusion, so far as the work of the circuit court of appeals in that circuit is concerned, there will be no appreciable interference with the work if this nomination shall go over for the time being, because the long summer vacation has now arrived, when the court will not be sitting, and the new judge would have no matters in the court pending on which he could devote his vacation time, and by the time the court will sit again, in late September or October, if an additional judge is needed, under the procedure at present the way is open for calling to the bench a district judge. They could reach out and call District Judge Clark to come and sit with them for a month or two before the Senate would be ready to take up the matter of confirmation, if that were necessary.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. LA FOLLETTE. Does the Senator from Nebraska think that former Governor Silzer is unprejudiced in the matter?

Mr. BURKE. I had never seen former Governor Silzer until I went into the committee room the other morning and heard him testify. It seemed to me that he evinced a very great deal of prejudice and bias, and I was not at all carried away by his testimony as to this judge. He did read from the records some matters which were important, but so far as his own attitude and his own statements were concerned, they did not seem to me to be at all to the discredit of the judge, because it was rather clear that there was personal feeling between them.

Mr. LA FOLLETTE. Can the Senator tell me whether or not it is a fact that Judge Clark censured Governor Silzer for having represented a racketeer by the name of "Dutch" Schultz?

Mr. BURKE. I have no information on that, other than that I believe there was some discussion of it in the committee where the Senator from Delaware [Mr. HUGHES] and the Senator from Idaho [Mr. BORAH] were conducting the hearing; but that was the first I had ever heard of the matter, and I have heard nothing about it since. I do not know about it.

Mr. LA FOLLETTE. Has the Senator any information as to the reliability or credibility of the individual from Newark who signed the telegram he just read?

Mr. BURKE. I never heard of either of these individuals. I know nothing about them.

The doubt in my mind is raised altogether by conversations I have had with New Jersey lawyers, who have communicated with me, but did not, at the time they talked to me, want to be drawn into the matter, unless a hearing was going to be held. But those gentlemen, upon whom I rely entirely, have, so far as I know, no bias in the matter at all, but were just expressing their very grave doubt as to the judicial temperament, particularly, and to some extent the judicial qualifications, of the judge, and another matter of a more personal nature which I do not care even to mention at this time.

So long as the matter of Governor Silzer has been mentioned, let me say, as I have stated once or twice, I was not impressed that he was fair or open-minded in the matter. It seemed to me he must have had some personal conflicts with the judge, and apparently the feeling, as was brought out in the committee, was shared by the judge, and they have been very much at odds. But the Governor did read from the records of certain cases, sufficient at least to raise the question whether this judge, in presiding at the trial of cases, conducts himself as judges should. He read at considerable length questions asked by the judge in the course of the trial of certain cases—I do not know what the cases were—which at least raised the question in my mind as to whether this judge does not seriously lack some of the essential requirements of a judge, at least in the Federal courts. That, added to the information which has come to me from other sources, puts me in such a frame of mind that I would not willingly at this time vote to confirm Judge Clark, but, so far as I am personally concerned, bearing my individual responsibility, I would want further investigation of the matter.

Mr. NORRIS. Mr. President, I am influenced to take the floor briefly on the question involved, mainly, because I have enjoyed an acquaintance with Judge Clark for quite a number of years. The acquaintance has been mostly of an official nature. While I was chairman of the Committee on the Judiciary of the Senate for several years, I had very many interviews with Judge Clark, and carried on quite an extended correspondence with him on matters relating to the judiciary and to the law generally, and I formed an exceedingly high opinion of this man. He is one of the best educated men in the United States, although I cannot give from memory the names of the colleges which he attended and from which he graduated.

During the years I have known him he has been interested in judicial studies and investigations which were made by various professional organizations and by various official bodies in Washington. Had I known there was to be objection to the confirmation of Judge Clark in the Senate I would have been armed with a number of documents bearing upon the investigations and studies to which I referred.

I very well remember his position with reference to a great many matters of legislation with respect to which I consulted him, and some with respect to which he consulted me. Certain bills were pending before the Judiciary Committee concerning which Judge Clark wrote me at considerable length, thus showing his deep interest in the work of his profession. My acquaintance with him did not extend beyond coming

into contact with him in connection with semiofficial investigations and studies.

Speaking now in a general way, I would say from my knowledge of the man that he is what could very properly be termed a progressive, although I do not know his politics; and I can very well see how one who belongs to a very deeply conservative school might object to his ideas on some matters of legislation. For instance, quite a number of years ago I tried to get from all the district judges in the United States a statement of the cases pending in their courts, and suggestions bearing upon the question of jurisdiction at a time when there was pending in Congress a bill to take away some of the jurisdiction of the Federal district judges. I wrote to every district judge in the United States. Most of them were opposed to the proposed legislation. Some of them did not answer. Some of them answered briefly. Some made arguments, either for or against the bill. Very few were in favor of the legislation concerning which the correspondence was held. I remember Judge Clark as one of the few judges who took a position in favor of the pending bill, and backed it up by able argument. He went to a great deal of labor, I should say, because he furnished me much information on the subject of the particular matter then pending.

Judge Clark is a student of the law. In my opinion he is a philosopher. He reasons out a case. I have never tried a case in his court, but I should judge that he would not be what lawyers call a case judge. That he would take the philosophy of the law underlying the facts as he saw it, and reason out the case, so he would not be so apt always to follow his case. Some lawyers and judges are well known as case lawyers and case judges. They do not care what the philosophy of the law is; if they find an opinion written a hundred years ago which bears out their idea they will follow it.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LA FOLLETTE. Is the Senator suggesting that Judge Clark is a lawyer and a judge who thinks that justice has something to do with the law?

Mr. NORRIS. I think so. I think he is a man of fine mind; of a mind which fits him for a judicial position. In my opinion, he is one of the high-class, thinking, and working judges. When we found the courts cluttered up with work, and business not being expeditiously conducted, we also found that the docket in Judge Clark's court was clear. He kept up to date. He never was one of the judges clamoring for more judges.

We have just passed a law providing for a number of additional judges. The appointment under consideration was made under that law. I admit that it is a late time to consider the nomination, when we are about to adjourn, but the nomination came to the Senate with reasonable expedition, a nomination to fill a vacancy caused by the law which we ourselves passed.

The selection is that of a man who has been on the bench for many years. The committee having the matter in charge would not make the same investigation of him that they would if they were considering a man who came fresh from the legal profession, who had had no judicial experience. This man has a record of 10 or 12 years as a judge.

Reference has been made to his opinion with respect to the prohibition amendment. I did not agree with his opinion on that matter. He was overruled. However, I wish to call attention, as the Senator from New York [Mr. WAGNER] has already done, to the fact that one of the greatest lawyers in the United States, who served with distinction and honor in the Senate and in the Cabinet of a President, Elihu Root, who led the debate on the prohibition question, who was one of the country's outstanding lawyers, advocated the same theory that Judge Clark did. I thought at the time they were both wrong, and the Supreme Court held they were both wrong. But we cannot select a judge for any court who has not at some time held an opinion

which perhaps we think is wrong. If he has had any experience on the bench we could hardly fail to find that his opinions have not always been agreed to by everyone. There will naturally be objection on the part of some to the opinions held by those presented for our consideration.

Telegrams have been presented in which objection has been made to Judge Clark.

Some telegrams have come from men whom no one in the Senate has identified. I do not think we ought to take them seriously.

Mr. President, the nomination was taken up in the regular way. A subcommittee was appointed, and a hearing was held. It is true that the time was short. On the other hand, if the places created by us by legislation which we ourselves passed are not filled before we adjourn, criticism will be made if appointments are then made in recess. The cry will be heard, "Think of the President appointing men in the recess when he had time to do so while Congress was in session!" It would be argued then that it was another indication of a dictatorship appearing in the clouds. The nomination comes before us now, and yet it is said, "Why not wait?" And then perhaps appointment will be made in recess.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WAGNER. I wanted to add another name to the roll of learned men of this country who took a position similar to that taken by Judge Clark in the matter referred to by the Senator from Nebraska. The Senator mentioned Elihu Root. One of our colleagues, whom we all recognize as an eminent scholar and legal philosopher, also held a similar view. I heard him express it during a very able address in New York. The Senator to whom I refer is the senior Senator from Illinois [Mr. LEWIS], who spoke in New York and also gave expression to the same legal views with reference to the prohibition amendment. So Judge Clark was in good company.

Mr. NORRIS. That adds to the reasons why the nomination of Judge Clark should be confirmed, because he agreed in his opinion with an eminent Member of this body whose legal ability we always recognize as first class and at the very top.

Mr. President, I do not care to detain the Senate any longer. In my opinion the appointment is an admirable one; it is first class. I should not only be glad to see Judge Clark on the circuit court bench but I should be glad to see him on the Supreme Court Bench. He has been a judge for many years. Of course, he has made some enemies. Any good man must make enemies. His nomination has been acted upon in the regular way. The subcommittee which heard the evidence unanimously supported the nomination. Anyone who wished to be heard was given as much opportunity as could be given. It seems to me, Mr. President, that the nomination of Judge Clark should be confirmed.

Mr. LEWIS. Mr. President, before I proceed to a discussion of the nomination, I must say I cannot overlook the tribute of my distinguished colleague, the Senator from New York [Mr. WAGNER], the eminent leader in great legislation in behalf of the reform of all abuses as against labor and injustice to mankind. Nor can I overlook the tribute of my distinguished friend the Senator from Nebraska [Mr. NORRIS], who shall be known by me as "L. P. Norris—Light and Power." [Laughter.]

Mr. President, permit me to proceed in heavier vein to make an observation which will show why I must join in the support of this judge under the circumstances as presented. From a great bishop we have the observation that—

Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world. All things in heaven and earth do her homage—the very least as feeling her care, and the greatest as not exempted from her power.

We are informed by the Senators who have just spoken that Judge Clark is hearing a cause in which there is a mayor of a New Jersey city involved, and many questions

are arising touching certain political events that are assumed to have transpired there. These have entered into the cause which is now before the judge. If this tribunal should now take action refusing to confirm this judge, upon no evidence other than that which the distinguished Senator from Nebraska has well entitled as seemingly utterly worthless, the able Senator from Nebraska himself attaching no personal import to it, we would be in the position before New Jersey and all the country, on the record as it now stands, of having expressed condemnation of him in the matter concerning which he is now engaged in a trial.

Mr. BURKE. Mr. President, will the Senator yield at this point?

Mr. LEWIS. Gladly.

Mr. BURKE. Would not the interpretation that all reasonable people must of necessity put upon the action of the Senate at this time be that we are saying that we will postpone until a more seasonable day the consideration of the qualifications of the judge, who is now engaged in hearing a very celebrated case? Would not that be the reasonable interpretation, and not that the Senate is expressing disapproval of the judge?

Mr. LEWIS. I fear the reverse much more seriously. If we should now postpone consideration, it would be upon the theory that we are going to wait to see what his decision is, and let that be the test of what we shall decide as to his worthiness or unworthiness to be approved. That is my fear.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I yield.

Mr. KING. Until the Senator made the statement, I did not know that Judge Clark is now engaged in a trial in an important case in New Jersey. I was not aware of that fact. If I cast a vote, it will be without any reference to that fact, and without any knowledge of the position which he has taken, if he has taken any position in connection with the trial.

Mr. LEWIS. I will say to the able Senator from Utah that Senators in this Chamber, including the distinguished chairman of the subcommittee [Mr. HUGHES] who honors Delaware with his reputation, so announced the fact. Other Senators have alluded to it, and the public press confirms it. Therefore, for this reason, in view of the kind of evidence which has been suggested as adverse to the judge, the unreliability of which is confessed, I feel that our action in postponing further consideration of the nomination, after the investigation and recommendation of the Judiciary Committee, or any adverse action in this body, would be promptly attributed to some condemnation on our own part, either of the trial or of the action of the judge, which would be imputed to our viewpoint in the case which is now pending. Since the nomination has been before the subcommittee for a long time, and then before the whole committee, previous to the trial, and is now before us at the time the case is on, I should regard it as most unfortunate if any other action were taken then on the distinctive merits of the judge as they have been shown before the Senate, disclosing him to be worthy of immediate confirmation.

Mr. KING and Mr. BURKE addressed the Chair.

Mr. LEWIS. I yield first to the Senator from Utah.

Mr. KING. I think the Senator is in error in stating that the nomination has been before the subcommittee for a long time, and before the full committee for a considerable length of time. As a matter of fact, my information is that the nomination did not come to the committee until Monday of this week.

Mr. LEWIS. Does the Senator mean the full committee?

Mr. KING. No; the subcommittee.

Mr. LEWIS. I am taking the exact language of the able Senator from Delaware [Mr. HUGHES], the chairman of the subcommittee, who has given us something of the record

of a proceeding in which the evidence of an ex-Governor of New York and of some others has been taken. Therefore, I myself concluded that there had to be a length of time which would indicate that the committee had time to consider the subject, and had done so previous to reaching its conclusion.

I now yield to the Senator from Nebraska.

Mr. BURKE. In connection with the point which has been made, I believe the nomination came to the Senate last Monday. It was at once referred to the Judiciary Committee, and to a subcommittee of which the Senator from Delaware [Mr. HUGHES] was named as chairman. The subcommittee met on Tuesday and reported to the full committee on Wednesday. The full committee reported to this body on Thursday. So we had a succession of days. The nomination came to the Senate on Monday. The subcommittee met on Tuesday. On Wednesday the subcommittee reported to the full committee. On Thursday the full committee acted. All of this, of course, was many days after the trial to which the Senator referred, which was under way in New Jersey.

Mr. LEWIS. We will add to that, therefore, that the Department of Justice must have proceeded in its usual course of investigation. In the meantime the President was informed, and evidently seems to have acted, the matter being submitted to the committee to be considered in the length of time stated by the Senator from Nebraska, with the consideration given to the matter as disclosed by the chairman of the subcommittee.

I respectfully urge that the conditions disclosed in the present discussion indicate that the nomination of Judge Clark should be confirmed.

Mr. BORAH. Mr. President, I think I should say a word in regard to the nomination. I shall be very brief. In a sense, the nomination has been under consideration by the appointing power since last March or April. The correspondence between ex-Governor Silzer and the President or the administration began in April. The administration—either the Department of Justice or the President—was notified several months ago that the ex-Governor objected to the nomination or to the consideration of the name of Judge Clark for the place. Nevertheless, the appointment was made, and the Department of Justice made its investigation. The Department of Justice reported favorably.

We are not dealing with an unknown individual, or one taken from the profession in private life, and therefore not known in the judicial world.

Judge Clark has been on the bench for years; and, of course, his entire judicial career has been before the people of New Jersey and the surrounding country.

The only witness coming before the committee who seemed to be very much in opposition to Judge Clark was ex-Governor Silzer. It was apparent that the ex-Governor had some personal feeling in regard to Judge Clark, and I would judge from the record that Judge Clark did not have a very high regard for Governor Silzer. One would draw that conclusion from the record.

However, we could obtain from ex-Governor Silzer no definite charges as a basis of his objections. I personally asked for them over and over again. I asked him to give us a definite statement of his objections, and the names of witnesses who were available to sustain his objections. All he gave us were what I regard as rumor or insinuations.

I think the able Senator from Nebraska [Mr. BURKE] was impressed in much the same way that I was, namely, that ex-Governor Silzer did not have any real evidence, or, in other words, he failed to present specific charges going to the fitness or unfitness of Judge Clark.

Ex-Governor Silzer finally told us that a man by the name of Vanderbilt, I think, an ex-president of the New Jersey Bar Association, had plenty of information which he would give us if we would only send for it. I asked for his full name and his address. I went to the telephone, in the presence of the committee, and telephoned, and happened

to reach Mr. Vanderbilt at once. He said he had no information which would be of any value to the committee. I asked him if he desired to come before the committee and present his views. He said he did not; that he had no views to present upon the matter.

Then we were told of an impeachment proceeding or charges against Judge Clark laid before the House Judiciary Committee. We immediately communicated with the House Judiciary Committee. We learned the nature of the charges and found that the committee had paid but little attention to the charges. We concluded there were no facts of a serious nature before the House committee.

Mr. President, the chairman of the committee stated over and over again that the committee was prepared to hear anything in the nature of charges against Judge Clark. We could obtain nothing in the way of what we felt were definite charges. Here was a man who had been on the bench for years. Ex-Governor Silzer had argued his objection to him weeks and weeks before. If there were charges, or if there were facts, there was no reason why those who were in opposition to Judge Clark should not have presented the facts to the committee and given us the names of the witnesses who would sustain the charges.

It is not my desire to express my view in open session as to the basis of the opposition. However, I came to the conclusion that it would be unjust to a supreme degree to deny confirmation to a man, who has been upon the bench for a considerable time and has an enviable reputation, upon mere insinuations.

That is the only interest I have in the matter. I think Judge Clark is an able jurist. I think he is a man of character. I myself asked the question specifically, "Do you charge that Judge Clark is a man wanting in character, that he is dishonest, that he is corrupt in any respect, or that he is unfit?" The answer was "No; we make no such charges."

I do not mean to reflect upon ex-Governor Silzer, but we all reached the conclusion that he failed to present any specific charges or any facts justifying a rejection of this nomination. If Judge Clark had not been for years on the bench, it might be said the opposition needed time; but in view of his long years on the bench and the weeks which had passed since it was rumored his name was being considered, and especially in view of the nature of the opposition as presented, I can see no reason for delay.

I think, Mr. President, it would be a great injustice to this jurist, under the circumstances, to delay the confirmation of his nomination. As I have said, he has been upon the bench for some years; he has been subjected to tests both by administrative investigators and by your committee. We had nothing to report against him. The subcommittee was unanimous in its favorable action, and I sincerely hope the nomination will be confirmed.

Mr. President, I wish to say, before taking my seat, that I am just advised that the bar associations of New York, New Jersey, and Connecticut, at a meeting held last night, unanimously endorsed Judge Clark's advancement to the circuit bench.

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. BORAH. I yield.

Mr. BURKE. That endorsement, I believe, is from the Federal Bar Association, is it not, of the three States mentioned? It is not from the American Bar Association or the State bar associations but only from those lawyers whose practice is largely in the Federal Departments?

Mr. BORAH. I think the Senator is correct in his statement that the endorsement was made by the Federal Bar Association.

Mr. WAGNER. Mr. President, I may say that the Federal Bar Association is the only bar, as I recall, that considers for approval or disapproval nominations for the Federal bench. The State bar associations, as I understand—and I am a member of the one in New York—confine their endorsements to State judges, though the New York State

Bar Association has expressed views concerning nominations for the United States Supreme Court, for instance, in the case of Mr. Justice Cardozo.

Let me say, Mr. President, that I have never had the privilege of meeting Judge Clark personally, nor have I ever, though a practicing lawyer in New York, adjoining New Jersey, appeared before him in any litigation. I know, however, of his excellent reputation. I know the junior Senator from Nebraska [Mr. BURKE] desires to be fair in these matters; I am sure that his only interest, as we all know, is to make certain that able men of high character shall be elevated to the Federal bench.

As the Senator from Idaho [Mr. BORAH] has said, so far as there have been any charges made against Judge Clark—if they may be characterized as charges—they seem, first, to be unfounded, and second, to come from a very prejudiced source. Some of us have been judges upon the bench, and we know that lawyers who have been disappointed not only by our decisions but sometimes by our reprimands have gone so far as to assert our unfitness as judicial officers. So I think we may well confirm the nomination, unless more reliable evidence as to unfitness is brought forth.

I can speak somewhat confidently of the unblemished reputation which Judge Clark has in New York and the adjoining territory, amongst those who know him not only as an individual, but who are also familiar with his scholarly legal attainments, from actual contact with him upon the bench.

I wish to say to the Senator from Nebraska and the Senator from Texas that while they say they have not heard of Judge Clark, he has rendered, as lawyers in the vicinity, who have been interested in litigation know, some very able and scholarly opinions.

I share the view of the Senator from Nebraska [Mr. NORRIS]; I think Judge Clark is fit to sit upon the highest court of our land from the standpoint of character, ability, scholarly attainments, and legal acumen. For the reason that any postponement of the confirmation would be a reflection on Judge Clark, or, at least, an uncertainty expressed on the part of the Senate as to his qualifications for elevation to the circuit court of appeals, I hope the Senate will promptly confirm the nomination.

Judge Clark has been a judge for 13 years, and he has been under the scrutiny of the public and the lawyers during all that time. I know that I express the views of outstanding lawyers in New York, New Jersey, and the surrounding territory who are interested particularly in this court, when I say that Judge Clark is from every standpoint qualified for the position to which he has been nominated.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William Clark, of New Jersey, to be a judge of the United States Circuit Court of Appeals for the Third Circuit?

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were ordered and the Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. NYE's name was called). Making the same announcement as on the previous roll call concerning the unavoidable absence of the senior Senator from North Dakota [Mr. FRAZIER] and the junior Senator from North Dakota [Mr. NYE], I desire to say that, if present, they would each vote "yea" on this question.

Mr. VANDENBERG (when his name was called). On this vote I am paired with the senior Senator from Indiana [Mr. VAN NUYS]. Understanding that, if present, he would vote as I intend to vote, I am free to vote. I vote "yea."

The roll call was concluded.

Mr. KING (after having voted in the negative). I have a pair with the junior Senator from Tennessee [Mr. BERRY]. Not knowing how he would vote, I am compelled to withdraw my vote.

Mr. LEWIS. I announce that the Senator from New York [Mr. COPELAND] is detained from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from South Carolina [Mr. BYRNES], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. McKELLAR], the Senator from Connecticut [Mr. MALONEY], the Senator from Missouri [Mr. TRUMAN], and the Senator from Massachusetts [Mr. WALSH] are detained in committee meetings.

I further announce that the Senator from Tennessee [Mr. BERRY], the Senator from South Dakota [Mr. BULOW], the Senator from Illinois [Mr. DIETERICH], the Senator from California [Mr. McADOO], the Senator from Nevada [Mr. McCARRAN], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Indiana [Mr. VAN NUYS] are detained on important public business.

The Senator from Maryland [Mr. RADCLIFFE] and the Senator from New Jersey [Mr. MILTON] are unavoidably detained.

The Senator from Connecticut [Mr. LONERGAN] is detained on departmental matters. I am advised that if present and voting, he would vote "yea."

The Senator from South Carolina [Mr. BYRNES] has a general pair with the Senator from Maine [Mr. HALE].

The Senator from Tennessee [Mr. McKELLAR] has a general pair with the Senator from Delaware [Mr. TOWNSEND].

Mr. BARKLEY. I announce that the Senator from New Jersey [Mr. SMATHERS] is detained on public business. I am advised that if present and voting, he would vote "yea."

The result was announced—yeas 57, nays 5, as follows:

YEAS—57

Adams	Davis	La Follette	Pope
Andrews	Duffy	Lee	Reames
Ashurst	Ellender	Lewis	Reynolds
Austin	George	Logan	Russell
Bankhead	Gibson	Lundeen	Schwartz
Barkley	Gillette	McGill	Schwellenbach
Bilbo	Green	McNary	Sheppard
Bone	Guffey	Minton	Shipstead
Borah	Hatch	Murray	Tydings
Brown, Mich.	Herring	Neely	Vandenberg
Brown, N. H.	Hill	Norris	Wagner
Bulkeley	Hitchcock	O'Mahoney	Wheeler
Capper	Holt	Overton	
Caraway	Hughes	Pepper	
Clark	Johnson, Colo.	Pittman	

NAYS—5

Burke	Connally	Gerry	Miller
Byrd			

NOT VOTING—34

Bailey	Frazier	McAdoo	Thomas, Okla.
Berry	Glass	McCarran	Thomas, Utah
Bridges	Hale	McKellar	Townsend
Bulow	Harrison	Maloney	Truman
Byrnes	Hayden	Milton	Van Nuys
Chavez	Johnson, Calif.	Nye	Walsh
Copeland	King	Radcliffe	White
Dieterich	Lodge	Smathers	
Donahey	Lonerган	Smith	

So the nomination of William Clark, of New Jersey, to be a judge of the United States Circuit Court of Appeals for the Third Circuit was confirmed.

Mr. PITTMAN. Mr. President, a parliamentary inquiry. Does that end the executive business?

The PRESIDING OFFICER. That completes the executive business.

Mr. PITTMAN. The Senator from Kentucky [Mr. BARKLEY], the leader, desires to be recognized immediately after this, I believe.

Mr. WAGNER. Mr. President, may I inquire—

Mr. PITTMAN. I am inquiring now. I had not finished making the inquiry. Of course, it is not necessary that I should. The inquiry I was making was as to whether or not the executive business, so far as it is on the calendar, is completed.

The PRESIDING OFFICER. The executive business on the calendar is completed.

Mr. PITTMAN. As I was saying, the majority leader, the Senator from Kentucky, desires to be recognized immedi-

ately after this vote for the purpose of making a suggestion to the Senate, I believe, with regard to the calendar. The Senator has now returned to the Chamber.

Mr. BARKLEY. Mr. President, I had intended and still intend to ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning at the place where we left off at the last call of the calendar.

The PRESIDING OFFICER. The Senate is still in executive session.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that we resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1532. An act to exempt retired officers of the Marine Corps and Coast Guard from certain restrictions with respect to holding office under the United States;

S. 2090. An act authorizing the naturalization of Vernice May McBroom, and for other purposes;

S. 2412. An act for the relief of A. Pritzker & Sons, Inc.;

S. 2702. An act for the relief of James A. Ellsworth;

S. 2783. An act to amend the China Trade Act, 1922, as to the duration of the China Trade Act corporations;

S. 3062. An act for the relief of Thomas H. Eckfeldt;

S. 3064. An act for the relief of George Henry Levins;

S. 3171. An act for the relief of William Server Rhodes, chief boatswain's mate, United States Navy, retired;

S. 3189. An act for the relief of Earle Embrey;

S. 3283. An act to authorize the Secretary of the Interior to place certain records of Indian tribes of Nebraska with the Nebraska State Historical Society, at Lincoln, Nebr., under rules and regulations to be prescribed by him;

S. 3319. An act to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to the Disabled American Veterans of the World War, Inc.;

S. 3387. An act for the relief of Hubert J. Cuncannan;

S. 3516. An act to alter the ratio of appropriations to be apportioned to the States for public-employment officers affiliated with the United States Employment Service;

S. 3628. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of Government contractors whose costs of performance were increased as a result of enactment of the National Industrial Recovery Act, June 16, 1933;

S. 3633. An act authorizing the naturalization of Albin H. Youngquist, and for other purposes;

S. 3682. An act for the relief of Lofts & Son;

S. 3763. An act to increase the period for which leases may be made for grazing and agricultural purposes of public lands donated to the States of North Dakota, South Dakota, Montana, and Washington by the act of February 22, 1889, as amended;

S. 3781. An act for the relief of the International Oil Co., of Minot, N. Dak.;

S. 3805. An act to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy;

S. 3810. An act to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers;

S. 3817. An act for the relief of John Haslam;

S. 3830. An act for the relief of William C. Willahan;

S. 3891. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects lost in a fire at the naval air station, Hampton Roads, Va., May 15, 1936;

S. 3937. An act conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render

judgment upon the claim of the Wisconsin Bridge & Iron Co.;

S. 3957. An act for the relief of James Thow, Charles Thow, and David Thow;

S. 4005. An act for the relief of Ida May Swartz;

S. 4136. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Nevada and Toiyabe National Forests in Nevada and to promote efficiency and economy of administration of said national forests; and

S. J. Res. 114. Joint resolution for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 3403. An act for the relief of Leonard Graboski; and

S. 3493. An act providing for the suspension of annual assessment work on mining claims held by location in the United States.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 3. An act to regulate commerce in firearms;

S. 3684. An act to provide for the holding of terms of the district courts of the United States for West Virginia at Fairmont and Beckley; and

S. 3921. An act for the relief of Remijio Ortiz.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 702) to provide that the United States extend to foreign governments invitations to participate in the Third International Congress for Microbiology to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3618. An act to reestablish the longevity pay of warrant officers;

H. R. 6925. An act to provide for a national cemetery in every State;

H. R. 10777. An act authorizing the village of Baudette, State of Minnesota, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.; and

H. J. Res. 723. Joint resolution to amend H. R. 10672, Seventy-fifth Congress, third session, entitled "An act to amend section 4197 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 91), and section 4200 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 92), and for other purposes, so as to correct a typographical error.

REPORTS OF COMMITTEES

Mr. BROWN of Michigan, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 342. An act for the relief of H. Ward Bell (Rept. No. 2215; and

H. R. 347. An act for the relief of W. Glenn Larmonth (Rept. No. 2217).

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (H. R. 344) for the relief of Ford O. Gotham and James McCumber, reported it without amendment and submitted a report (No. 2216) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 3961) for the relief of the estate of Benjamin A. Pillsbury (William J. Pillsbury, executor), reported it without amendment and submitted a report (No. 2218) thereon.

Mr. RUSSELL, from the Committee on Immigration, to which was referred the bill (H. R. 6820) for the relief of Elizabeth Vresh (Yalga Vres), her son Frederick Vresh,

and her daughter, Sylvia Vresh Bronowitz, reported it without amendment.

Mr. BULOW, from the Committee on Civil Service, to which was referred the joint resolution (S. J. Res. 310) providing compensation for certain employees, reported it without amendment.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On June 15, 1938:

S. 5. An act to prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics, and for other purposes;

S. 375. An act for the relief of Mrs. John Olson;

S. 1346. An act for the relief of Stillwell Bros., Inc.;

S. 1987. An act for the relief of George J. Leatherwood;

S. 2052. An act for the relief of Henry E. Reents;

S. 2437. An act for the relief of Oscar Jones;

S. 2475. An act to provide for the establishment of fair labor standards in the employments in and affecting interstate commerce, and for other purposes;

S. 2797. An act for the relief of Miriam Thornber;

S. 2819. An act to create a Committee on Purchases of Blind-made Products, and for other purposes;

S. 2890. An act for the relief of Clarence Daniel, a minor;

S. 2895. An act for the relief of Leona Draeger;

S. 3057. An act for the relief of John Fanning;

S. 3469. An act to amend section 128 of the Judicial Code, as amended;

S. 3540. An act for the relief of certain personnel of the Coquille River Coast Guard Station, Bandon, Oreg.;

S. 3584. An act for the relief of G. E. Maxwell;

S. 3694. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Sigfried Speyer and Dr. Luther Fete;

S. 3734. An act for the relief of certain officers and enlisted men of the United States Coast Guard;

S. 3754. An act to amend sections 729 and 743 of the Code of Laws of the District of Columbia;

S. 3846. An act relating to the levying and collecting of taxes and assessments, and for other purposes;

S. 3929. An act to authorize the Legislature of Puerto Rico to create public corporate authorities to undertake slum clearance and projects, to provide dwelling accommodations for families of low income, and to issue bonds therefor; to authorize the legislature to provide for financial assistance to such authorities by the government of Puerto Rico and its municipalities, and for other purposes; and

S. 4024. An act authorizing advancements from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes.

On June 16, 1938:

S. J. Res. 298. Joint resolution to create a joint congressional committee to investigate the adequacy and use of the phosphate resources of the United States; and

S. J. Res. 300. Joint resolution to create a temporary national economic committee.

BOMBING OF CIVILIAN POPULATIONS

Mr. PITTMAN. Mr. President—

Mr. BARKLEY. Before making the request to which I referred, I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, it is desired that I shall return to the chair during the call of the calendar. For that reason I have only one opportunity to call up a resolution which I introduced and which has been lying on the table for several days. It is Senate Resolution 298, condemning the bombing of civilian populations. I intend to modify it when it is brought up, having the right to modify my own resolution, so as to strike out all of the resolution except the statement:

Resolved, That the Senate record its unqualified condemnation of the inhuman bombing of civilian populations.

I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. The Senator from Nevada requests unanimous consent for the present consideration of a resolution which will be read for the information of the Senate.

The resolution (S. Res. 298), submitted by Mr. PITTMAN on June 14, 1938, as modified, was read, as follows:

Resolved, That the Senate record its unqualified condemnation of the inhuman bombing of civilian populations.

Mr. CLARK. Mr. President, I should like to hear the Senator from Nevada explain the purpose of the resolution before unanimous consent is given for its consideration.

Mr. PITTMAN. Mr. President, all that is left in the resolution is a proposal that the Senate go on record as condemning the bombing of civilian populations. I am against such bombing, and I would like to have a chance to vote against it.

Mr. CLARK. Let me say to the Senator from Nevada that I suppose there is not a Member of this body who is not opposed to the bombing of civilian populations and outraged by that inhuman practice. I do not see the present necessity or the present adequacy of the Senate of the United States passing a resolution deploring the bombing of civilian populations unless we do something else about it.

So far as an expression of the United States Senate is concerned in opposition to the bombing of civilian populations, I am certain that every Member of the Senate would be in favor of it. If, on the other hand, this is to be taken, on the eve of the adjournment of Congress, as an approval in advance of some foreign policy, to be developed during the recess and about which we know nothing, then I think it ought to be very carefully gone into.

It seems to me that the Senate, in considering the matter of bombing civilian populations, might well consider the fact that if the neutrality law now on the statute books of the United States had been strictly enforced, a great deal of the bombing of civilian populations, both in Spain and in China, might have been obviated by stopping the exportation from this country of the means and engines of bombing civilian populations. It seems to me the Senate of the United States, instead of passing an empty resolution, might do very much better to take steps to see that the means of bombing civilian populations should be no longer exported in such a way that they might, either directly or indirectly, as the language of the neutrality law provides, be used in bombing civilian populations.

Mr. PITTMAN. Mr. President, I should regret it very much if any American planes were used to bomb civilian populations when we could have stopped it; but that is not the question. This Government may have been wrong in many particulars. Other governments may have been wrong in many particulars. We may need a great many different laws. I know we have not time to enact them now. In fact, the clause which was formerly part of the resolution, directing a study, was objected to by some Senators on the ground that it was too late to constitute a committee and furnish the committee money.

When we get back here at the next session, I have no doubt that a great many of these policies will be thoroughly studied. I feel, however, that the people of this country and of the world have universally condemned the inhuman bombing of civilian populations. The term "civilian populations" has a meaning. I believe the people, the churches, and the peace societies of the country have at last awakened to their duty in protesting against military wrongs and against the violations of peace treaties. I feel that with the resolution limited in this form, we can help out the peace-loving people of the country by setting an example of condemning at least one thing that we know is absolutely wrong.

Mr. CLARK. Let me say that so far as I am concerned, of course, I have absolutely no objection to the resolution; but it seems to me to be an empty gesture, at this stage of the proceedings, to pass a resolution simply deploring what every

decent man and woman in the United States now regards and always has regarded as a crime against humanity. We might as well pass a resolution deploring any man beating his wife or deploring the heinous crime of kidnapping. It seems to me that if we are going to try to do anything at all, we might call for the enforcement of the law which might be calculated to diminish, as far as possible, the very atrocity which we are deploring.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the modified resolution of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Nevada as modified.

Mr. KING. Mr. President, I understand that the resolution is open to debate after having been taken up.

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Nevada as modified.

Mr. JOHNSON of California. Mr. President, to this resolution, of course, I have no objection. Every right-thinking person deprecates the bombing of civilian populations. Every right-thinking person recoils in horror from the tales that are told of the bombing by the Japanese Army and Japanese airmen, and the tales that are told that relate to the Spanish difficulty or war.

I have no objection to this resolution, because it means nothing; and being just nothing, I regard it as a pious exclamation upon the part of the United States Senate, and nothing more.

I should object to a resolution which sought by investigation, study, or other means to reach a conclusion and render findings concerning what might transpire abroad. I would object to that because I want none of that for the American people, and I believe that if we endeavored in any fashion to investigate, to reach conclusions, and to render opinions, then we would be on the way to the war; and while I may personally have very little objection to that in case of one of the nations concerned, I feel that the American people, engrossed as they are in their domestic difficulties, would not follow the American Government in any of its vagaries concerning the war in the Orient.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. CLARK. Does not the Senator agree that it partakes of a good deal of the nature of smug hypocrisy for the Senate of the United States, or the Congress of the United States, to deplore the use of bombs, particularly in the case of a certain oriental nation, while we go on day after day and week after week and month after month selling, for the profit of our own manufacturers and our own producers, the materials out of which the bombs are made and the machines by which they are used?

Mr. JOHNSON of California. Of course; and of course I believe the foreign policy as enunciated by this administration is one which men of candor and men who stand straight cannot follow. But I do not wish to delay what is transpiring now. The resolution has been modified—modified so that it has neither sting nor point—and I believe that it can be adopted without injury to the dignity of the Senate or harm to the country.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. KING. Would the Senator be willing to offer an amendment or to support an amendment, declaring, that because of the violation by Japan of treaties, including the Four Power Treaty, the Nine Power Treaty, and the Kellogg-Briand Pact, and because of her unwarranted and brutal attacks upon China and millions of noncombatants—men, women, and children—the Senate would approve of a resolution calling for the severance of diplomatic relations between our Government and Japan? Personally, I would be disposed to support a resolution substantially along the lines indicated in my question.

Mr. JOHNSON of California. The Senator would vote for it, but perhaps he would be the only man in the Chamber voting for it; because we may talk, and the Government of the United States may make splendid, eloquent orations relating to collective security, treaties and their violation, and the like, but the Government of the United States today will not see it through and see it through to its logical conclusion. Its logical conclusion, if we should start on the path the Senator suggests, would be war; and the people of the United States will not tolerate a war at this time.

Mr. KING. The Senator may be right; the American people are desirous of peace, and would seek every honorable means of avoiding an international conflict. I believe that the conduct of the Japanese Government, particularly during the past few years, has violated the canons of international law, and treaties, and obligations, and has been so motivated by greed and ambition for power that the American people, as well as the people of civilized nations, look with abhorrence upon her policies.

The bombing by Germany of cathedrals and unfortified cities and towns did much to arouse the American people against Germany, prior to our Government's entrance into the World War. Not only the people of the United States, but the inhabitants of civilized countries look with horror upon the atrocities committed by Japan, and her brutal and barbarous course in the conduct of her so-called military operations in China. Her course has been reminiscent of the cruelties perpetrated by primitive and barbarous nations upon inoffensive people. Men, women, and innocent children inhabiting cities and towns and rural districts not fortified, and beyond the boundaries of areas in which military conflicts were being prosecuted, have been subjected to merciless attacks. Bombing planes have visited peaceful regions in which there was no vestige of war, and no evidence of conflict; they have dropped upon such regions and their noncombatant inhabitants hundreds, if not thousands, of destructive bombs, which have carried death, destruction, and devastation to hundreds of thousands of innocent people.

Japan's conduct has been violative of international law, of those policies and principles that prevail among civilized people. Japan has not only waged war upon the Chinese and upon women and children and unfortified towns, but she has been indifferent of the rights of nationals of other countries, among them nationals of the United States. The facts with which we are familiar would justify the conclusion that Japan is seeking to provoke conflicts with the United States, if not other nations aside from the United States, and is not only determined to conquer China and subject it and its millions of inhabitants to Japanese rule, but is also determined to disregard every treaty existing between China and other nations, including the United States. Japan's course is that of a devouring, conquering nation, not only indifferent to the rights of the people of China but the rights of other nations and their nationals, existing by virtue of treaties entered into between the Chinese Government and other nations.

I admit that the American people would be most reluctant to adopt any course that would result in a war with Japan, but I believe there are millions of American citizens who experience anger and resentment by reason of the flagrant violations of international law by Japan and the brutal and uncivilized war which she is waging against the people of China.

Mr. CAPPER. Mr. President, I arise in support of the resolution by the Senator from Nevada [Mr. PITTMAN] as modified, condemning the bombing of civilian populations, of defenseless men, women, and children.

The civilized world is aghast at the kind of warfare that has been carried on in the past few years.

In Africa we have seen a European nation mow down hapless natives, whether engaged in warfare or not, from the air.

In Europe we have recorded daily the bombing of civilian populations, of people engaged in peaceful pursuits, mothers,

babes in arms, school children, hospitals, in a civil war that approaches in barbarity and relentless cruelty anything we have read of in the history of the Dark Ages.

And from the Orient we have daily accounts of thousands of helpless civilians, including women and children, bombed from the air. Wholesale murder, without provocation, without excuse, without mercy. Certain nations have violated ruthlessly not only treaties they have signed, but also every tenet of civilized warfare—if there is any such thing as civilized warfare.

The people of this country are shocked, indignant, filled with righteous wrath over this inhuman and barbarous treatment of noncombatants. And I feel that the people of the country expect the Senate to vindicate the rising indignation against these nations which are running amuck and threatening to plunge the world from civilization into the depths of barbarism.

I say it is the duty of the Senate to condemn treaty violators; to condemn the ruthless and wicked bombing of thousands of defenseless men, women, and children; to make plain to all the world our abhorrence of such practices; and to disapprove the sale of American aircraft to countries which so flagrantly violate all the principles of civilized warfare.

Also I say it should be the policy of this Government, the policy of the United States of America, to preserve strict neutrality in this war-mad world. If I had my way this Congress would approve the Fish-Nye resolution or some other resolution to prohibit the export sale of munitions and materials of war to any and all nations, except to nations on this continent which are attacked by nations or peoples from other continents.

I hope the Senate goes on record for the people of the United States, as I believe the people expect the Senate to express the horror and indignation felt by every right-thinking person.

Mr. KING. Mr. President, I am inclined to agree with the Senator from California [Mr. JOHNSON] that the adoption of the resolution offered by the Senator from Nevada [Mr. PITTMAN] will accomplish but little, if any, good. However, it will relieve our Government, at least in part, of the charge that it remained silent when Japan violated treaties to which the United States was a signatory, and waged a cruel and barbarous war against noncombatants and innocent women and children.

It seems to me, Mr. President, that there is at least a moral obligation if not a legal obligation resting upon the United States, to denounce the course of the Japanese Government in its invasion of China, its destruction of cities and towns and villages, its murderous assaults upon unoffending people, particularly women and children, and its application, under the name of war, of the most cruel, atavistic propensities, which found expression in the conduct of primitive races. The course of Japan is an anachronism. It belongs not only to the Dark Ages, but to the darkest and cruellest periods of human existence. We may not be justified in becoming a party to the conflict; we may not be warranted in trying to stay by military force the sanguinary and devastating course of Japan; but certainly we owe it to ourselves and to the future to lift our voices against the recrudescence of those frightful and tragic ancestralisms which it was hoped the world had abandoned and entombed in dishonored graves of the history of the past.

I do not believe that a denunciation of Japan's course would lead to war. I cannot help but believe that if we and other civilized nations were to brand Japan as a treaty violator, as an outlaw, as a nation unworthy to be found in association with nations that love peace and seek justice, instead of that course being provocative of war, it would tend to modify the course of the Japanese Government and restore it, if not to complete sanity, at least to a condition in which there might be negotiations looking to a termination of the frightful tragedy which is now destroying hundreds of thousands of human beings and devastating cities and towns and portions of a vast continent.

I have referred to treaties existing between the United States and Japan. Certainly our Government should be interested in having treaties to which it is a party respected and its terms observed. It certainly cannot be claimed that the duty rests upon a nation party to a treaty to remain silent while other parties to the treaty flagrantly violate its terms. Our Government, as well as other governments, have interests in the Orient. China was a party to treaties with the United States and other occidental nations. These treaties were beneficial to China and were promotive of trade and commerce, helpful to the Chinese people, and more or less a benefit to those nations signatories to such treaties.

Japan solemnly covenanted in the Nine Power Treaty to respect the rights and territorial integrity of China. She bound herself, as did other signatories to the same treaty, to respect Chinese territory and the rights of the Chinese people. It was not a unilateral treaty; it was a multilateral treaty, and each party to the treaty obviously had some obligations resting upon it. Japan has violated this treaty, as well as others. She has contemptuously disregarded the rights of other signatories to the treaty, and has invaded Chinese territory, and is waging one of the most aggressive and sanguinary wars of which the pages of history bear record.

We sever friendly relations with individuals who violate every rule of decency and honor. I am repeating when I say that Japan's course is so indefensible as to compel world disapproval. She is not only violating the rights of China and her people, but she is violating solemn obligations and concrete, material rights of the United States, as well as other nations. She flouts the Kellogg-Briand Pact, under the terms of which she solemnly covenanted to settle all controversies by peaceful means.

Nations whose rights are assailed have often refused to have diplomatic relations with treaty violators. The severance of diplomatic relations does not mean war; and if the United States should now declare to Japan that her course is such that it is not desired to have further diplomatic relations with her, Japan would have no justification for declaring war against the United States, nor would our Government be under any obligation to become a belligerent and engage in a military conflict against Japan. Nations frequently withdraw their diplomatic representatives for various reasons; and so, with Japan's record before us, we would be justified in embargoing all munitions or commodities to be used by Japan for military purposes, and also in recalling our Ambassador and certifying to the world that for the present we do not intend to maintain diplomatic relations with Japan.

I am repeating when I say that we are warranted in withdrawing our diplomatic representatives because of the uncivilized methods of warfare, devastation, and destruction which are being carried on by the Japanese Government. When thousands of innocent persons are being bombed and killed, persons who are not participating in military activities, but pursuing their peaceful occupations, then civilized nations are warranted in lifting up their voices in protest. The resolution which we shall soon vote upon declares our condemnation of this barbarous course. May we not go further than to condemn cowardly and barbarous methods of war, and certify to the world that we will have no dealings with such a nation, and that we will place an embargo, certainly upon commodities that will be employed in military operations. We are shipping to Japan iron and steel and copper and oil and many raw materials employed in military operations, and are selling to the Japanese Government commodities to be used for the destruction of innocent Chinese people.

I am repeating when I say we are warranted in prohibiting any further shipments of munitions and military supplies and commodities to be devoted to military purposes.

There are many instances, as I have indicated, where diplomatic relations among nations have been severed. Our Government withdrew its representatives from Russia, because the latter was subjecting to cruel treatment persons of the Jewish race. I did not know that the resolution now

being considered would be brought up for consideration to-day or I should have been ready to submit a number of instances where governments withdrew their representatives and terminated not only diplomatic but commercial relations with other countries.

ACCOMPLISHMENTS OF THE ROOSEVELT ADMINISTRATION

Mr. BANKHEAD. Mr. President, the legislative and practical accomplishments of the Roosevelt administration in the field of agriculture have written a new and remarkable chapter in the history of Federal legislation. I wish to refer to only a few of the subjects that have been dealt with and to some of the outstanding accomplishments.

ACHIEVEMENT IN LAND PURCHASE AND UTILIZATION

Development of a realistic land policy to meet the threat of floods, soil erosion, dust storms, and consequent social deterioration, has been an outstanding achievement of the present administration. The better use of private as well as public lands has been made a matter of national concern for the dual purpose of conserving natural resources, and of stabilizing the economy of communities dependent upon the land.

Acceptance of the Government's obligation to help conserve privately owned land is an outstanding contribution of this administration to national land policy. The extensive soil-conservation programs, whereby farmers are given both financial and technical help in preventing soil erosion, have affected the farm lands of every State, while special help is being given to land users in local soil conservation districts organized under recently enacted State laws.

Programs to give greater security to farm tenants and other disadvantaged rural groups have been initiated and encouraged by this administration in recognition of the importance of farm security to conservation of the land. Cooperative programs of farm forestry have also helped promote local action for better land use, and important progress has been made in cultivating an interest in wildlife conservation among farmers by cooperative activity within the States.

A new land purchase and utilization program of far-reaching significance is that in which the Secretary of Agriculture has been acquiring some 11,000,000 acres of submarginal land to be converted into valuable livestock ranges, forests, recreational areas and wildlife preserves as a means of rehabilitating depressed rural areas. In large degree, this program is also stimulating programs in which local groups and communities cooperate to promote better use of the land resources upon which they depend.

An important feature of the administration's land policy has been a recognition of the Government's own responsibility for better use of lands under its control. Although the good farm land in the public domain had been exhausted long before 1934, it was not until passage of the Taylor Act in that year that the futile settlement of the public lands was ended. Under this law some 111,000,000 acres in the public domain have been organized into grazing districts for conservation of the range.

Under the Wheeler-Howard Act, lands in Indian reservations amounting to 51,431,627 acres, of which 1,436,000 were acquired in the last 4 years, also have been placed under wise management to insure their conservation.

More adequate conservation of natural resources has been made possible by additional land purchases under the Roosevelt administration. The area in national forests has been increased by purchase of 9,706,923 acres under the Weeks Act, bringing to about 170,000,000 acres the total under Forest Service management, and an additional 1,700,000 acres has been approved for purchase. Refuges for conservation of wildlife have been expanded by acquisition and reservation of 5,336,500 acres.

Recently Congress passed the Water Facilities Act to encourage better use of land through more efficient conservation of water in semiarid areas. Land use as a factor in flood control has been recognized by the Congress in making

the United States Department of Agriculture coordinately responsible with the Department of War in planning for flood prevention.

Federal aid to the States for better land utilization has been extensive. Of special importance in this connection has been the work of the Civilian Conservation Corps, which has carried out valuable improvements on State as well as Federal conservation areas. Under the Fulmer Act States are eligible for financial help in acquiring forest lands, although no funds have been appropriated for this purpose as yet. Many of the submarginal land areas, after their development for new uses, are being turned over to the States for administration and use under cooperative lease agreements which assure their continued conservation.

As a corollary to improvement of existing farm areas, 120,000 acres of good new farm land have been created by the development of reclamation projects that have a potential capacity of 2,500,000 acres. Resettlement and rehabilitation activities have helped thousands of farm families obtain better opportunities on the land.

THE BANKHEAD-JONES ACT, APPROVED JUNE 29, 1935

One item worthy of note was the passage of the Bankhead-Jones Act of June 29, 1935, which provided, among other things, for research into basic laws and principles relating to agriculture; research dealing with the production, distribution, and marketing of agricultural products; and the conservation, development, and use of land and water resources for agricultural purposes.

Funds for research were authorized in the amount of \$1,000,000 for the first year, with annual increments of \$1,000,000 for each of 4 succeeding years, or a total of \$5,000,000 at maturity and annually thereafter.

Congress had previously recognized the need and value of research in the solution of agricultural problems of the Nation and had given tangible expression of this recognition by means of appropriations to the Department of Agriculture and grants to the States for research and investigation at the agricultural experiment stations. In further recognizing the need for continued and enlarged support in agriculture, through the Bankhead-Jones Act there was recognized as well a need and an opportunity for broadening and strengthening the coordinated effort of the Department and the States to undertake problems of regional and national significance. In order to further this coordinated effort, 60 percent of the funds authorized under the Bankhead-Jones Act were designated for allotment to the States, Territories, and Puerto Rico on the basis of their respective rural populations, but with the proviso that these funds would be available only in amounts equal to amounts expended by the States from their own resources. One-fifth, or 20 percent, was designated for the establishment and maintenance by the department of research laboratories in the major agricultural regions, and the balance of approximately one-fifth for research by the Department of Agriculture into problems basic to agriculture in its broadest aspects.

It is significant to note that the States have responded with contributions in excess of any requirement of the act. That this action by Congress has met with approval is evidenced in part by the fact that the States during the past fiscal year contributed about \$2.13 for each \$1 of Federal-grant funds for the support of the agricultural research and experimentation in the States. It is evidenced further in part by statements from the ablest men representing the States to the effect that the regional laboratories already established are exerting a profoundly beneficial effect in integrating the research of the States and the Department and that there are certain researches of the greatest significance to agriculture which must be studied nationally because no State is in a position to carry them on, and yet every State station is vitally concerned in having the results. There is general recognition that the Bankhead-Jones Act brought into effect a more widespread and coordinated effort among the States and between the States and the Federal agencies which is resulting in a broader and more

fundamental approach to national and regional problems than previously had been possible.

While the full value of this progressive legislation will accrue in the future, there are evidences at this time of important accomplishments. In keeping with its provisions, eight research laboratories have been established in as many major agricultural regions of the United States. These laboratories are exerting profoundly beneficial effects in integrating State and Federal research activities for the solution of problems fundamental in character, of common interest and concern to the States of the region, and of a scope beyond the resources of the individual States. The improvement of vegetable crops, industrial uses for soybeans, pasture-improvement studies, control of diseases and parasites of domestic animals, breeding of better swine, improvement of sheep for western ranges, control of fowl paralysis, and problems basic to irrigation agriculture are the major subjects of research at these laboratories. Their work is being supplemented in many instances by studies in the separate States on specific phases of these broad problems.

The allotments for the special use of the Department of Agriculture are promoting new and more effective attacks on problems of national scope and application. These have included, among others, a thorough inquiry into questions involved in crop insurance, the feasibility of long-range weather forecasting, the effects of blight upon growth and reproduction in plants, investigation into new methods for the control of diseases affecting the root systems of plants such as cotton-root rot and rots of wheat, and the possibility of correcting certain forms of sterility in livestock with the particular object of prolonging the breeding life of outstanding sires. There are some 35 projects of this character under way at this time in 11 bureaus of the Department. Many of them are cooperative with the State experiment stations or other research agencies. The problem of prolonging the productive life of animals, for example, has likewise been a major field of research at one of the State experiment stations where it has been demonstrated that the life of albino rats may be extended, by experimental methods, for a period of time comparable to nearly 200 years in the life of man.

Many other examples of outstanding work in progress at the experiment stations could be cited. All told, under this new fund there are more than 500 specific investigations under way in these State institutions. They have to do with adjustments in production to meet changing economic conditions, land use and the conservation of soil and water resources, the nutrition and improvement of animals and plants, the control of diseases and insects, improvement in quality of products, and in marketing. While many were designed for local application, the approach has been planned so that they fit into coordinated programs of regional and national significance.

FARM SECURITY

The function of the Farm Security Administration is to help needy farm families climb off the relief rolls and back onto their own feet. Its aim is not to furnish temporary relief, but to enable these families to become permanently self-supporting.

This program now has passed beyond the experimental stage. Since 1935, assistance of this type has been extended to hundreds of thousands of farm families, who had been ruined by drought, sagging farm prices, unscientific one-crop farming, and exhaustion of their soil. Today there is ample evidence that the Farm Security Administration has developed not only the most successful method of rescuing these destitute people, but the most economical. Because its program is largely self-liquidating, it does not throw a heavy burden on the taxpayer; on the contrary, its rehabilitation work has added many millions of dollars in tangible assets to the Nation's wealth.

The method of the Farm Security Administration is to make small loans, averaging about \$300 each, to farm families who cannot get adequate credit from any other source.

Such loans ordinarily are just large enough to finance the purchase of seed, livestock, tools, and other equipment needed to get a new start on the land. They are accompanied by technical guidance in sound farming practices to guarantee that the best possible use is made of the money. Whenever necessary, borrowers are assisted in locating fertile land capable of supporting a decent living. They are shown how to conserve their soil and to work out sound crop-rotation and farm-management plans. This kind of guidance not only protects the Government's investment; it is the best possibly guaranty that the borrower's name will not appear on the relief rolls again.

More than 620,000 farm families on or near relief have received such loans, totaling nearly \$190,000,000. By all customary standards these people were the worst possible risks, since they could not obtain adequate credit from any other public or private agency. Yet they are paying the money back at 5-percent interest, often far in advance of the date due. Although much of the money advanced will not fall due for 4 or 5 years, approximately \$50,000,000 already has been repaid. It is conservatively estimated that at least 80 percent of all funds loaned under the farm security rehabilitation program eventually will be returned to the Federal Treasury.

Most remarkable still is the sharp rise which this program has produced in the assets and living standards of the families it has served. A recent survey of 230,000 rehabilitation clients disclosed that their average net worth—over and above all debts—had increased \$252 between the time they first sought aid and the end of the 1937 crop year. This represents a growth in net assets of 42 percent, adding \$58,000,000 to the wealth of their communities.

These families are enjoying a better living than they have ever before known. They have nearly doubled their production of meat, milk, and eggs for home use, and during the 1937 crop year they stored away 63,000,000 quarts of fruits and vegetables—an average of 53 quarts per person. Their ownership of work animals has increased approximately 100 percent, while their acreage in livestock feed and forage crops has risen 50 percent. One of the most gratifying facts of all is that the mounting prosperity and stability of these families has made possible for nearly 160,000 children to increase their school attendance.

In certain areas, the achievements of the Farm Security Administration borrowers have been even more striking. More than 11,000 Alabama families appealed to the Government for help only when their net assets had dwindled to an average of about \$3 per family—and that \$3 included the value of all the clothes on their backs and the food in their kitchens. Today, their average net worth has risen to \$362 per family, an increase of more than a hundred-fold. They are learning to "live at home," raising enough pigs and chickens and garden truck to feed the entire family the year round; the average annual value of their goods produced for home consumption has increased \$187 per family.

One reason for the success of the rehabilitation program is that every effort has been made to help debt-ridden farmers place themselves on a sound financial footing. Local farm debt adjustment committees have assisted debtors and creditors to negotiate voluntary readjustments of obligations in more than 70,800 individual cases. Their mediation has resulted in scaling down the total indebtedness involved from \$240,000,000 to \$177,500,000—a net reduction of about \$63,000,000. In this way, overburdened debtors have been able to bring their obligations within their ability to pay, while creditors have enjoyed substantial recoveries from what often seemed to be hopelessly frozen assets. Furthermore, local governmental agencies have collected approximately \$4,000,000 in back taxes as a direct result of this activity.

Although rehabilitation borrowers have received the greatest benefit from the farm debt-adjustment service, it is available without charge to every farmer. As of March 31, 1938, more than 18,000 cases were pending in the hands of adjustment committees.

Finally, the Farm Security Administration is endeavoring to halt the growth of farm tenancy, which has been increasing with alarming speed for many decades. Under the Bankhead-Jones Farm Tenant Act it is authorized to loan \$10,000,000 during the current fiscal year to enable competent tenants, sharecroppers, and farm laborers to buy the land they till. A moderate expansion of this program has been authorized for the succeeding years.

The funds available for the current fiscal year will finance the purchase of approximately 2,100 family-sized farms in about 325 counties. The loans are repayable over a period of 40 years at 3-percent interest.

SOIL EROSION

Then, there is this matter of erosion prevention. Six years ago the farm lands of this country were almost literally sliding into the sea. Millions of gullied and gashed acres could be found all the way from the Alabama Piedmont to the Pacific Northwest. Thousands of fields that once produced good crops were stripped of their fertile topsoil and overgrown with weeds.

But much worse than the physical condition of the land in 1932 was the appalling apathy on the part of most citizens, including even a great many farmers. Either people did not understand what was happening to our farm lands with every heavy rain; or, if they did understand, they dismissed it as an unavoidable process of nature.

In the past 5 years we have learned definitely that soil erosion is not an unavoidable process of nature. The Soil Erosion Service, established in 1933, and its successor organization, the Soil Conservation Service, which was set up in 1935, have given us tangible proof that we can farm our agricultural soils without having them wash and blow away.

The Soil Conservation Service is now operating more than 500 demonstration areas located in farming sections all over the United States. In these areas, the farmers are learning practical methods of soil and water conservation. They are building up run-down lands and taking effective steps to prevent erosion damage in the future. In the so-called Dust Bowl of the southern Great Plains, 90 percent of the land treated in accordance with these scientific methods is safely anchored against soil blowing this year.

But just as the public apathy of 6 years ago was more disheartening than the physical condition of the land, so today the public interest is even more encouraging than the physical accomplishments. These days you see soil-conservation exhibits at county fairs, special soil-conservation editions of newspapers, and even soil-conservation courses in some of the schools and colleges.

Under the Soil Conservation Service program, thousands of C. C. C. boys are playing an essential role in the job of conserving soil resources. They are working right out in the fields, laying terrace lines, building dams, planting trees and grass. In their study hours they receive instruction in the whole program from soil-conservation experts. Hundreds of these boys have returned to farm homes to become active in the soil-conservation work of their communities; some have even joined the staff of the Soil Conservation Service.

With a generation like this growing to manhood, I am confident that the day of wholesale land exploitation in this country is definitely a thing of the past. Just because of the valuable work accomplished by the Soil Conservation Service and cooperating agencies, I think we can all afford to be optimistic about such matters as soil conservation and careful land use in the future.

EFFECTIVE COOPERATION

The Agricultural Adjustment Administration has enabled farmers to work together to help themselves in two ways: In improving their incomes and in protecting the fertility of the soil. It has helped them achieve a unity of purpose and method in meeting their problems. It has enabled them to protect themselves against the danger of loss due to crop failure.

In 1932 total cash farm income stood at about \$4,300,000,000. That low point meant disaster to farmers in almost every section of the Nation. But after the A. A. A. got into operation, farm income mounted steadily until, in 1936, it

stood at \$7,900,000,000. Of the total 1936 cash farm income, some \$287,000,000 was paid by the A. A. A. to farmers who cooperated in the national soil-conservation program.

But by 1937 cash farm income had moved even higher, to about \$8,500,000,000. In 1937 the farmers' share of the national income was more than 10 percent, while in 1932 it had been only 5 percent. Southern farmers received over \$2,175,000,000 of the national total in 1937.

The Agricultural Adjustment Administration program—through its effect on production—was a significant factor in the steady climb of farm income from the low point of 1932. There were also other factors which helped to improve prices. The devaluation of the dollar was one.

Though 1937 brought with it better balanced income for American farmers, it also again brought unbalanced production. Many crops—due to exceedingly high yields per acre—hit new high levels, and farmers found themselves burdened with surpluses which immediately threatened prices. The general price decline which followed meant a drop in farm income. Further, it meant that farm prices would slip increasingly out of balance with industrial prices. In the last year farm prices dropped 25 percent, while nonfarm prices dropped only 4 percent. The A. A. A. acts to some extent as a shock absorber during such a period of reduced farm income due to declining prices, a shock absorber because farmers continue to receive soil-conservation payments.

In addition, the Agricultural Adjustment Administration has made other attacks on the problem of increasing farm income. These other attacks have been from several angles—one through the purchase of certain surplus farm commodities which glut markets and threaten to destroy reasonable price levels; one through the issuance of marketing agreements and orders; and another through commodity loans.

By means of the Federal Surplus Commodities Corporation, under the direction of the A. A. A., purchases of surplus foodstuffs have been made from time to time in large enough quantities to stabilize price levels threatened with collapse. Since only a portion of each surplus is bought, prices to consumers are not increased, and sharp drops in returns to farmers are avoided. In this way producers' incomes receive a certain amount of protection and waste is prevented.

The surplus commodities so obtained are distributed among State relief agencies for distribution to needy persons. Potatoes, apples, butter, eggs, milk, peas, beans, citrus fruit, onions, sweetpotatoes, canned tomatoes, and rice are among the long list of purchases by the Surplus Commodities Corporation. In the 3 years preceding March 1, 1938, the Corporation spent over \$55,000,000 on surplus commodities, and during the next year or so will buy up about \$28,000,000 worth more. In the 10 months following July 1, 1937, about \$4,000,000 has been expended for surplus commodities in the South.

Foodstuffs have been bought at an average rate of two and one-half million pounds per day and altogether have totaled over 3,000,000,000 pounds. During 1937 some surplus foodstuffs—that might otherwise have rotted—went to a monthly average of 1,750,000 families, or about 6,000,000 people, throughout the United States. Thanks to the Federal Surplus Commodities Corporation activities, producers were better off, consumers were not injured, and many needy people were benefited.

Marketing agreements have also acted as a protection to producer income. A good deal of order has been introduced into some markets usually more or less chaotic. Such agreements have made for better quality products to consumers, and producers have been able to market their commodities during strategic periods of fair prices. Altogether some 35 marketing agreements, orders, and licenses are now in effect, and serve as models for future progress along such lines.

Since 1933 commodity loans amounting to \$715,000,000 have been made to farmers in an effort to stabilize markets generally and to support prices. Such loans have been made to cotton, corn, and wheat farmers. Cotton farmers, in particular, have received loans totaling \$500,000,000. A large percentage of these loans has, of course, been liquidated.

In addition to these operations directed toward improved national farm income, the Agricultural Adjustment Administration has carried out a widespread program for the improvement of the soil. This has been done in an effort to encourage production in line with the long-time conservation needs of the soil and to offset some of the devastation which has already taken place.

About 4,000,000 farmers in all parts of the Nation, members of about 2,700 county conservation associations, took part in the 1936 agricultural conservation program. Under this program two types of payments were offered to farmers for positive performance in conserving and improving their farm land. Soil-conserving payments were made for shifting acreage from soil-depleting to soil-conserving crops during 1936. Soil-building payments were made for 1936 seedings of soil-building crops and for approved soil-building practices.

Sixty-six percent, or about 286,100,000 acres, of the total cropland in the United States was included under applications for payments under the 1936 program.

About 31,400,000 acres were diverted from soil-depleting crops either as a direct result of the program or because drought had destroyed established acreages of soil-depleting crops. Of this diverted acreage, about 68 percent was diverted from general crops, 30 percent from cotton, 1.2 percent from tobacco, and 0.4 percent from peanuts.

Soil-building practices were carried out on about 53,000,000 acres. Legumes and legume mixtures, permanent pasture, green-manure, and cover crops were newly seeded on about 43,900,000 acres. Fertilizer and lime applications were made to about 3,200,000 acres. Terracing, contour furrowing, protected summer fallow, and other mechanical erosion controls and miscellaneous soil-building practices were put into effect on 5,600,000 acres.

In the South, more than 2,000,000 farmers took part in the 1936 soil-conservation program, representing about 1,200 county conservation associations. More than 92,000,000 southern acres were included under applications for payments, or about 70 percent of the total cropland in the South. More than 12,500,000 southern acres were diverted from soil-depleting crops, and some 73 percent of this diverted acreage was from cotton. Of the balance, about 23 percent of the diverted acreage was from general crops, 2.8 percent from tobacco, and 1 percent from peanuts. Also, soil-building practices—such as seeding legumes, fertilizing, terracing, contour furrowing, and the like—were carried out on over 21,300,000 southern acres.

If the number taking part shows the satisfaction with which farmers generally have greeted the A. A. A. programs, the extent of southern farmer unity is clearly demonstrated by the recent cotton and tobacco marketing-quota referendums. For the first time in American history, farmers as a group have been given a method by which they can make their desires and opinions known. The cotton, tobacco, wheat, and corn-hog referendums of 1934 and 1935 were a clear, democratic expression of farmer opinion. The 1938 cotton and tobacco referendums are also a clear, democratic expression of farmer opinion. In the 1938 tobacco referendum, of over 480,000 votes cast, almost 85 percent favored the A. A. A. program. Out of the 1,527,000 cotton farmers who voted, more than 92 percent favored the A. A. A. program.

These farmers spoke their minds exactly as they saw fit. They declared in favor of a national farm program directed toward the goal of a better farm living. Through their unity of purpose they expressed themselves on the need to increase farm income and the need to protect the soil—the concrete objectives of the Agricultural Adjustment Administration.

COTTON COOPERATIVE ASSOCIATIONS

Mr. McKELLAR. Mr. President, on May 17, 1938, my good friend, the Senator from South Carolina [Mr. SMITH], introduced a bill (S. 4031), which is a bill to reimburse the producer members of the cotton cooperative associations for losses occasioned by the Federal Farm Board's stabilization operations.

This bill, if passed, would cost the American people \$25,000,000, and, in my judgment, there is not the slightest merit in the proposal, because the predecessor of the American Cotton Cooperative Association, then presided over by Mr. C. O. Moser, secured the very Farm Board order on which this claim is founded.

Mr. C. O. Moser was president-general manager of the American Cotton Growers' Exchange, an affiliate of the Short Staple Cotton Cooperative Association, and so far as I know has no connection with the present cooperative association, except that this association or exchange was superseded by the American Cotton Cooperative Association. Mr. Moser occupied with that organization substantially the same position that Mr. Creekmore occupies with the American Cotton Cooperative Association.

On October 11, 1929, Mr. Moser, president-general manager, wrote to the Honorable Carl Williams, of the Federal Farm Board, Washington, D. C., a letter which is to be found on pages 399-402, volume 1, of the hearings had in Memphis in October 1935, concerning the American Cotton Cooperative Association. In this letter Mr. Moser said, in part:

It occurs to me that here is an opportunity to really perform a service which would greatly stimulate cooperative cotton marketing, would avoid possible losses of millions of dollars to the cotton producers of the South, and would accomplish the real purposes for which the cotton cooperatives and the Farm Board were established. Here is a case of doing something in a big way without undue hazard to the funds of the Farm Board and at the same time stepping into the breach and performing a service for the farmers which is beyond their ability to perform individually or as an organized group, and is a service which is beyond the willingness of commercial banks to undertake. At the same time this would not be a precedent in any sense of the word for future considerations, it would simply be dealing with the problem of the industry on its merits at a time when it was feasible for the Farm Board to give real impetus and support to cooperative cotton marketing and genuine assistance to the cotton growers in general.

I believe such a plan would add at least 250,000 bales to our deliveries this season if put into effect by October 15.

Please let me know what you think of this idea.

In the hearings at Memphis Mr. Creekmore was questioned as follows:

Q. Was Mr. Moser president and general manager of the predecessor of the American Cotton Association?

A. I assume he was.

Q. You didn't belong to that?

A. I belonged to the Georgia Cotton Growers Association, and was a member of the American Cotton Growers Association (p. 402).

Again—

Q. Have you seen a copy of what is known as the Frazier bill?

A. No, sir.

Q. Of course, I assume that you know something of the bill in a general way?

A. Yes, sir.

Q. The purpose of which is to open up the former settlement made by the Farm Board and the cooperatives, so that the Farm Board might be charged with the loss brought about by the 16-cent loan?

A. I knew there was such a bill; yes, sir (p. 403).

Within exactly 10 days after Mr. Moser wrote the letter to Mr. Williams, of the Farm Board, the Farm Board issued the order just as requested by Mr. Moser (p. 402).

So that it is perfectly clear that the order of the Farm Board, because of which Mr. Creekmore is seeking to obtain \$25,000,000 for his crowd of racketeers, masquerading as cooperatives, but really only Government-aided cotton dealers, is exactly the same order that was issued by the Farm Board at the earnest request of Mr. C. O. Moser, who was in reality and in truth the predecessor of the American Cotton Cooperative Association.

WHY S. 4031 SHOULD NOT BECOME A LAW

Senate bill 4031, a bill providing for the appropriation of \$25,000,000 in order to make adjusted settlements with the cotton cooperative associations and the individual members thereof for their participation in the 16-cent loan operation of 1929-30 and the 90-percent loan operation of 1930-31, should not be enacted into law for the following reasons:

First. The 16-cent loan program was recommended to the Federal Farm Board by the cotton cooperatives who urged its adoption for the purpose of increasing their membership and stimulating the volume of cotton delivered by their members. It is admitted that the boards of directors of the cooperatives ratified the 16-cent loan as the joint program of the cooperatives and the Federal Farm Board.

Second. Eight of the twelve cotton cooperatives which participated in the 16-cent loan were insolvent at the time the program was initiated, and two others went into liquidation subsequently. The 16-cent loans, as well as other Government loans, enabled the cotton cooperatives to clear up obligations, which had accumulated during previous years, on liberal terms.

Third. The final settlement, whereby the Government took over the 16-cent loan cotton from the cooperatives, was on the basis of the loan value plus an allowance for carrying charges and overhead expense. That this settlement was fair and equitable is evidenced by the fact the cotton member of the Federal Farm Board, Carl Williams, was unwilling to have the settlement reopened in 1932. Each and every cooperative association which participated in the 16-cent loan ratified and approved the final settlement made with the Cotton Stabilization Corporation, by action of its board of directors, and released the Government from any and all claims arising from any sources whatsoever. Creekmore testified in 1931 that the Farm Board had lived up to its obligations to the cotton cooperatives with regard to the 16-cent loan cotton.

Fourth. Creekmore made the positive statement in 1936 that the cotton cooperatives had no claim against the Government as a result of the 90-percent loan operation of 1930-31.

Fifth. The loss to the taxpayers of the United States as a result of the stabilization operations recommended and adopted as the joint program of the cotton cooperatives and the Farm Board has been:

16-cent loan of 1929-30.....	\$79,286,384.16
90-percent loan of 1930-31.....	27,376,998.06

Total..... 106,663,382.22

Sixth. The passage of S. 4031 will place an added burden of \$25,000,000 on the taxpayers of America for the benefit of a few privileged farmers, who are being exploited by high-salaried officials whose advice has already cost the United States Treasury over \$100,000,000. No provision is made in the proposed bill to take care of the heavy losses sustained by hundreds of thousands of other cotton farmers who acted on the advice of the Farm Board and withheld their cotton from the market during the 1929-30 and 1930-31 seasons.

THE COTTON COOPERATIVES RECOMMENDED THE 16-CENT LOAN

The cotton cooperatives not only knew about the Farm Board's intention to announce the 16-cent loan, but C. O. Moser, president and general manager of the American Cotton Growers Exchange, an affiliation of the short-staple cotton cooperative associations, in a letter to the Honorable Carl Williams, cotton member of the Farm Board, urged on October 11, 1929, that the Federal Farm Board adopt the following policy:

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 401):

"It is, therefore, at a time like this that it is possible for us to advance nearer the market price than it would be earlier in the season, when the size of the crop is less a calculable thing than it is now. I believe the cotton cooperatives, with the aid of the Farm Board, may with safety, and they should immediately, advance 16 cents a pound, or \$30 a bale, on unfixed cotton basis $\frac{3}{8}$ -inch Middling; and that wide publicity to such advance should be given as being the joint program of the cotton cooperatives and the Farm Board, and that the difference between 65 percent advanced at the time of delivery and the \$30 a bale should be paid to the members as soon as weight and grade of the cotton is established * * *.

"I believe such a plan would add at least 250,000 bales to our deliveries this season if put into effect by October 15."

When the American Cotton Growers Exchange was superseded by the American Cotton Cooperative Association (A. C. C. A.), C. O. Moser was elected vice president and secretary of the latter organization. A large part of Mr. Moser's time was spent in Washington, where he looked after legislation affecting the cotton cooperatives.

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 34):

On October 21, 1929—exactly 10 days after the Moser recommendation—the Federal Farm Board announced to the press:

"The Federal Farm Board believes that the prevailing prices for cotton are too low * * *. The Board will make supplemental loans to the cooperatives in amounts sufficient to make the average loan 16 cents per pound."

In the McKellar hearing at Memphis (Federal Expenditures for Cotton Cooperatives), Creekmore said: "Simultaneously with the press release, the Board wired its announced policy to the cooperatives. The cooperatives were not consulted."

Present status of the cooperative marketing of cotton, by J. S. Hathcock, February 4, 1931, Atlanta, Ga.:

In an address made on February 4, 1931, to the agricultural economics section, Southern Agricultural Workers, in Atlanta, Ga., J. S. Hathcock, general manager of the South Carolina Cotton Growers Cooperative Association, and a director of A. C. C. A., said:

"The 16-cent loan policy of the Federal Farm Board increased the membership in and volume of cotton handled by the cooperatives * * *"

Decline of the Price of Cotton (pt. 1, p. 808):

When testifying on March 31, 1936, at the Senate Agricultural Committee hearing, authorized to investigate the causes of the decline of cotton prices, Creekmore admitted that the cotton cooperatives, by action of their several boards of directors, accepted the 16-cent loan. Nothing was said about the cooperatives being forced to act as agents of the Farm Board.

Agricultural Conference and Farm Board Inquiry (p. 312):

On November 27, 1931, Creekmore testified at the agricultural conference and Farm Board inquiry:

"Policies are discussed with the (Farm) Board, but to date the Board has not dictated (policies) and will not so long as I remain manager of A. C. C. A."

Page 75:

Carl Williams, cotton member of the Farm Board, at the hearing cited above, said:

"Cotton stabilization has been handled more or less jointly by the cotton cooperatives themselves and the Cotton Stabilization Corporation."

THE COTTON COOPERATIVES WERE INSOLVENT ON OCTOBER 21, 1929

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 122): Creekmore stated, when testifying on October 29, 1935, at the McKellar hearing at Memphis: "On October 21, 1929, * * * I think they (the cotton cooperatives) were worth two and a half million dollars"; and,

When testifying on March 31, 1936, at the Smith hearing to investigate the causes of the decline of cotton prices: "I figure the cooperatives were worth approximately \$5,000,000 as of October 21, 1929 * * *"

Decline of the Price of Cotton (pt. 1, p. 766): In a memorandum entitled "Cotton Stabilization Corporation Resettlement Data," Messrs. Wells and Lawrence reported to Carl Williams, member of the Farm Board, the 1929 financial status of the cotton cooperatives as follows:

Federal Expenditures for Cotton Cooperatives (vol. 2, p. 1148, exhibit 26):

Insolvent associations	Date	Amount of liabilities associations unable to pay
Arizona	July 31, 1929	\$214,474.12
Arkansas	Aug. 31, 1929	48,710.68
Georgia	Sept. 30, 1929	196,088.48
Louisiana	Dec. 31, 1929	171,651.21
Mississippi	July 31, 1929	242,807.93
Oklahoma	Dec. 31, 1929	649,284.72
Tennessee	Sept. 5, 1929	232,764.71
Texas	June 30, 1929	423,466.13
Total		2,179,227.98

Solvent associations	Date	Amount reserves in liquid position
Alabama	July 31, 1929	\$63,319.17
North Carolina	do	87,418.01
South Carolina	do	25,095.37
Southwestern	June 30, 1929	78,401.22
Total		254,233.77

Government loans to cooperative associations began after the organization of the Federal Farm Board in 1929.

Delivered at Atlanta, Ga., February 4, 1931: Mr. Hathcock, general manager of the South Carolina Cooperative Association and a director of A. C. C. A., in his address, "Present Status of Cooperative Marketing of Cotton," made this statement concerning the advantages of Government loans to cooperative associations:

"A complete settlement of all old business which had accumulated over a period of 2 or 3 years was effected on liberal terms."

Comptroller General's report, page 104: The Comptroller General of the United States had this to say about the financial status of the cotton cooperatives:

"* * * the associations' deficits may be in a measure attributable to extravagances and to losses due to speculation by officials and employees as referred to under the Alabama Farm Bureau Cotton Association and the Texas Farm Bureau Association."

THE COTTON COOPERATIVES RATIFIED AND APPROVED THE 16-CENT LOAN SETTLEMENT

No complaint concerning the final settlement between the cotton cooperatives and the Cotton Stabilization Corporation for the 16-cent loan cotton was made until several years after the said settlement was made.

Agricultural Conference and Farm Board Inquiry (p. 317): During the course of his testimony at the agricultural conference and Farm Board inquiry in November 1931, Creekmore was asked by Senator Norris whether the 16-cent loan operation of 1929-30 had been settled. Creekmore replied: "It has been settled." He further stated he had played a rather important part in the settlement. He said nothing at that time concerning the settlement penalizing the cooperatives or the individual members thereof.

On page 325 of the hearing cited above, Creekmore remarked that the Federal Farm Board, when it made announcement of the 16-cent loan, "had an obligation to the cooperative associations which it had to live up to and which it did practically live up to eventually." Again, there is no complaint that the final settlement penalized the cooperative associations or deprived the individual members of their equities in the cotton.

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 576): Carl Williams was the cotton member of the Federal Farm Board; and, as such, he must have gone thoroughly into the details of the final settlement between the Cotton Stabilization Corporation and the cotton cooperatives for the 16-cent loan cotton. His attitude concerning this settlement is reflected in the following excerpt from a letter addressed by Creekmore to the legislative committee and the directors of the A. C. C. A., under date of November 16, 1932: "Because of my discussion with Mr. Williams on Monday, I am inclined to believe he will not be receptive to reopening the 1929-30 operation."

The following excerpt from the minutes of the Third Annual Meeting of the Members of the Cotton Stabilization Corporation in New Orleans, La., on August 10, 1932, deals with the final settlement on the 16-cent loan cotton:

"On motion of Mr. Henry, seconded by Mr. Hathcock, unanimously carried, the following resolution confirming purchase by the corporation of 1,241,507 bales of cotton from the State Cotton Cooperative Associations and borrowing of money from the Federal Farm Board for such purchase was adopted:

"Whereas the Federal Farm Board has concluded settlement agreement for account of the Cotton Stabilization Corporation with the following member associations on the dates indicated:

"Federal Expenditures for Cotton Cooperatives (vol. 2, pp. 1063-1064):

- "DATE OF FINAL SETTLEMENT RESOLUTION OF FEDERAL FARM BOARD
- "Alabama Farm Bureau Cotton Association, December 15, 1930.
- "Arkansas Cotton Growers Cotton Association, December 23, 1930.
- "California Cotton Growers Association, October 23, 1930.
- "Georgia Cotton Growers Cooperative Association, October 28, 1930.
- "Louisiana Farm Bureau Cotton Growers Cooperative Association, October 28, 1930.
- "Mississippi Cooperative Cotton Association, August 22, 1930.
- "North Carolina Cotton Growers Cooperative Association, October 24, 1930.
- "Oklahoma Cotton Growers Association, October 28, 1930.
- "South Carolina Cotton Growers Cooperative Association, October 28, 1930.
- "Southwestern Irrigated Cotton Growers Association, September 8, 1930.
- "Tennessee Cotton Growers Association, December 23, 1930.
- "Texas Cotton Cooperative Association, December 15, 1930.

"And whereas each of the member association have submitted copies of the resolution adopted by their respective boards of directors ratifying and approving the settlements made with this corporation through the Federal Farm Board, and releasing the United States of America, the Federal Farm Board, and the revolving fund provided in the Agricultural Marketing Act from any and all claims arising from any sources whatsoever; and

"Whereas the corporation applied for and was granted a commitment by the Federal Farm Board of \$43,164,279 in order to effect the settlement with the member association: Be it

"Resolved, That the board of directors hereby approve and ratify the settlements made by the Federal Farm Board for the account of the corporation and approve the action of the officers in borrowing from the Federal Farm Board the funds necessary to effect such settlement."

During the 1929-30 season, the cooperatives sold the actual cotton delivered to them under the 16-cent loan and bought futures, thereby cutting down carrying charges and obtaining full premiums for grade and staple, while the market was sustained by the loan.

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 36): Creekmore estimated the Federal Treasury sustained a loss of

\$79,286,384.16 as a result of the 16-cent loan operation. He further stated that in May 1930 an agreement was entered into between a representative of the cooperatives and the Federal Farm Board whereby the Government, through a stabilization corporation, would take over from the cooperatives all the cotton accumulated under the 16-cent loan on the basis of the loan value of all cotton on hand, plus carrying charges, plus \$1 per bale overhead on deliveries which the cooperatives had received during the 1929 season. This settlement, according to Creekmore, was disapproved by the Attorney General of the United States.

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 34): Creekmore further stated that a compromise settlement was effected finally whereby the cotton was taken over by the stabilization corporation on the basis of loan value with an allowance of not to exceed \$2.50 per bale for carrying charges, payable only to the extent necessary to meet obligations of the cooperatives after borrowing \$1.50 per bale, based on the prior season's deliveries.

First Annual Report of the Federal Farm Board (p. 39): Agricultural Conference and Farm Board Inquiry, page 327: As a matter of fact, the cooperatives had made sales to mills and spinners from the actual bales delivered to them under the 16-cent loan program; and they had replaced this cotton by buying an even number of bales of futures. Creekmore stated in November 1931: "When I became associated with the (cooperative) movement in April (1930), I think the cooperatives had some 700,000 bales of future cotton which, as I understand, had been purchased to replace sales of spot cotton."

First Annual Report of the Federal Farm Board (p. 39): On February 3, 1930, an arrangement was perfected by the A. C. C. A., the Farm Board, and the cooperatives whereby the A. C. C. A. took over the handling of the cotton and futures of the cooperatives. In the spring of 1930 the A. C. C. A., acting for the cooperatives, called for delivery on the May and July futures and over 700,000 bales of spots were delivered. This was a portion of the cotton which later went into the hands of the stabilization corporation.

Agricultural Conference and Farm Board Inquiry (p. 76): This policy of selling the actual cotton delivered by individual members and buying futures during the fall of 1929 and the early part of 1930 enabled the cooperative associations to obtain the full premiums for grade and staple of the cotton during the time that the 16-cent loan sustained the market. Carl Williams testified on November 24, 1931: "Those 16-cent loans held the price of cotton within 10 percent of its August level until the following February, during which period about 90 percent of the American cotton crop was handled and sold by farmers."

Federal Expenditures for Cotton Cooperatives (vol. 1, pp. 693, 694, 695, 696): In exhibit C to his statement filed at the McKellar hearing in Memphis, Creekmore gives details of the losses which he claims the cotton cooperatives sustained as a result of the 16-cent loan settlement. The aggregate loss, according to this exhibit, on the 1,230,819 bales delivered to the Cotton Stabilization Corporation, because the final compromise settlement did not provide for and average combined carrying charge and overhead expense of \$4 per bale, was \$3,638,372.24.

On page 101 of his report on the disbursements from the revolving fund of the Federal Farm Board, the Comptroller General of the United States shows that the deliveries which the cotton cooperatives made to the Cotton Stabilization Corporation for the 16-cent loan cotton consisted of 491,759 bales of spot cotton, 764,300 bales of futures.

There are no insurance, interest, and storage charges on futures. Four dollars per bale on 764,300 bales would amount to \$3,057,200.

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 122), Decline of the Price of Cotton (pt. 1, p. 807).

At the McKellar hearing, Creekmore testified the cooperatives had accumulated considerable cotton before the announcement of the 16-cent loan by the Farm Board—between 400,000 and 500,000 bales. He stated in 1936 the cooperatives received between 600,000 and 700,000 bales subsequent to the announcement of the 16-cent loan on October 21, 1929.

If the cotton cooperatives did not accumulate more than 600,000 to 700,000 bales as a result of the 16-cent loan policy, why do Creekmore and the cooperatives claim that the total deliveries of more than 1,300,000 bales to the cooperatives during the 1929-30 season are entitled to a rebate from the Public Treasury for losses sustained as a result of the Farm Board's stabilization policy in making the 16-cent loans?

THE COOPERATIVES HAVE NO CLAIM AGAINST THE GOVERNMENT FOR LOSSES RESULTING FROM THE 90-PERCENT LOAN OPERATION

Agricultural Conference and Farm Board Inquiry (p. 310): Before announcement of the 90-percent loan policy of 1930-31 by the Federal Farm Board, the plan was discussed for several weeks with the cooperative officials. The general manager of A. C. C. A. testified in November 1931: "With a full realization of the hazard of the operation, but with the hope it might be concluded during the 1930-31 season, arrangements were made with the Board to finance the operation for a period of 3 years if necessary." He further remarked, "... We have a most wonderful opportunity this year (1931-32), not alone in rendering great assistance to the South by stabilization, but at the same time of getting in shape for the stabilization corporation to work out without a loss." He also stated at the same time, "I gave

it a great deal of consideration before we went into the 90-percent loan."

Decline of the Price of Cotton (pt. 1, p. 811): In 1936, Creekmore explained his ideas relative to the responsibility of the Farm Board to the cotton cooperatives as a result of the 90 percent loans as follows: "I do not believe Congress had any obligation to the cooperatives in the 1930-31 operation because we were consulted, and we went into it with a little fear, but with a desire to serve and work with the Farm Board."

Agricultural Conference and Farm Board Inquiry (p. 319): When asked by Senator Norris in November 1931 if the members of the cooperative associations were not technically and legally liable for all losses sustained by the Government as a result of the 90 percent loan operation, Creekmore admitted they were.

Federal Expenditures for Cotton Cooperatives (vol. 1, p. 37): The loss which the United States Treasury suffered as a result of the 90 percent loans amounted to \$27,376,998.06.

I ask unanimous consent that the celebrated C. O. Moser letter of October 11, 1929, published in the Appropriations Committee hearings, pages 399 to 402, be ordered to be fully published in the RECORD, as a part of my remarks:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 11, 1929.

HON. CARL WILLIAMS,

Federal Farm Board, Washington, D. C.

DEAR CARL: I have been thinking a great deal recently about the problems of the cotton cooperatives—that is the necessary changes in our operating methods in order to handle a larger percentage of our production, and the type of assistance needed from the Federal Farm Board in order to make a success of our combined efforts. I know that you will permit me to give you my inner thoughts along this line and that you will give them the careful consideration which their importance deserves, with the same interests and objectives in view as motivate me.

As a point of beginning we must realize two important facts, and deal with each of them on their merits.

First, that each of the State associations have in the past done what they considered the best they could under the circumstances of their operating conditions insofar as endeavoring to increase their deliveries is concerned; and that whatever is done in the future toward increasing deliveries must necessarily be through a plan which will be more attractive to the cotton growers than heretofore used by the cooperatives.

Second, private handlers of cotton have materially changed their operating methods since the advent of the cotton cooperatives and have materially improved their operating efficiency—resulting in the lowering of their operating costs and reducing their per bale margin of profit.

The effect of this change in the methods of handling cotton has put hundreds, perhaps thousands, of small and even large merchants out of business. The difference between the price paid the farmer for cotton of tenderable grade and staple within the range of the short staple lengths, and particularly those which predominate in the local markets, is so small that only those who practice the most economical and efficient methods of handling cotton are able to survive the competition. The cotton cooperatives are no exception to the rule—as a matter of fact, there is not sufficient opportunity for profit in the handling of $\frac{3}{8}$ -inch Middling white cotton by the cooperatives, as now conducted, particularly in the optional pools, to justify the hazard, the delay, and inconvenience of marketing the cotton cooperatively. Other benefits of a collateral or supplemental nature must be brought into the equation, or our whole undertaking cannot hope to retain the confidence and patronage of the farmers and their friends. Of course, I am fully cognizant of the effect which the existence and operations of the cooperatives have had on the price of cotton in the primary markets, but I am not certain that so intangible and unmeasurable a benefit can be substantiated to the satisfaction of the growers in general to where they will support cooperative marketing.

I think in the final analysis the movement will fail or prosper according to the price return experience of the members and nonmembers, respectively, and that the intangible benefits derived by the nonmembers will not contain a sufficient adhesiveness to hold our less prosperous member.

There is nothing new in the analysis which I have made thus far in this letter. My purpose was to lay a background of common understanding, from which we could project our views into a less generally accepted field of thought.

Bluntly stated, the time is immediately ahead of us when we must bring to the cotton farmers of the country a benefit from cooperative marketing which they have in the past not received to the measure of their satisfaction necessary to the permanency and growth of our undertaking.

The American cotton trade has been developed over a period of more than a hundred years. Around it have grown services and trade practices, based upon profitable returns to themselves for services rendered, which include banking, insurance, physical facilities, transportation, merchandising, etc. In this respect they differ from the fundamental idea behind the organization of the cotton cooperatives and the Farm Board, which are not organized for profit.

As a matter of fact, however, competition has brought about a fairly economical conduct of these merchandising operations, and there is no one single place that they may be pointed out as offering an opportunity for a material reduction in the cost of handling cotton from the producer to the consumer. Through careful management, and only by this means, is it possible to save even a reasonable amount in the total cost of performing the marketing service cooperatively for the growers. Yet our experience clearly demonstrates, without exception or deviation, that the membership and deliveries increase or decrease in relation to the financial returns which are made to the members as compared with the price obtained by the nonmembers. We have a definite, determinable measuring stick which is regarded by the farmer as the criterion of their satisfaction in the cooperative marketing of their cotton. This measuring stick is simply that of price return.

I do not believe the farmer is much concerned as to whether the organization is economically or extravagantly conducted, whether salaries are high or low, or whether the sales organization is good or bad. They have no way of knowing the merit or demerit of our claim for efficiency or inefficiency, but they do know without question when their price returns are satisfactory or unsatisfactory. How to bring about this satisfaction is the responsibility of the leaders. On the way the problem is handled eventually will depend the success or failure of both the cooperatives and our legislative remedy.

We know there are only three ways by which price advantage can be brought to the members: First, by selling to the ultimate consumers in the world's best markets. Occasionally, of course, we are able to fill the short commitments of merchants, which net us prices equal to or superior to the consumer's prices. Generally speaking, however, sales outlets must be extended to the ultimate consumers; second, by exercising the best possible judgment in the fixation of prices throughout the year, which means we must have reliable statistical information concerning the essentials of our industry; and, third, by the economical operation of the association and subsidiary activities to where any possible advantage in price obtained is not absorbed by excessive operating costs.

Therefore, whether the member complains about operating costs or not, the cost of operation is inseparably and fundamentally an essential part of the successful operation of an association such as ours; and these costs must be kept within the limit of benefit of a direct money return to the member.

Stated graphically, any State cooperative whose overhead operating cost, exclusive of carrying charges, is in excess of \$2 per bale, simply makes it impossible for the association to render a marketing service to its membership that will induce increased deliveries and an enlarged membership. In a similar way, carrying charges must be favorably comparable to that of private cotton concerns. It must be our aim, and we should work definitely toward the end of keeping our operating overhead expenses under \$2 per bale. How may this be obtained?

Manifestly, it is no more important to keep operating expenses within reasonable limits than it is to obtain the full value for the cotton, so it must follow that operating expenses must be kept low, but not at the expense of efficient service, and that type of service can only be obtained through competent employees—that is, careful supervision over every detail of the business. There is no way that I am able to observe by which these two horns of the dilemma may be harmonized, except through increased volume. Increased volume comes only from a satisfied and loyal membership.

I believe that a loyal membership must be a well-informed membership, and there must be a most complete confidence in the ability, integrity, and character of the management of the association. Contact is essential between the management and the membership, but this is not enough. The financial needs of the membership must be taken into account and the policies of the business must be such as to result in financial advantages to the members in the end.

I am one of those who believes that service of a continuing nature may only be performed when the business is kept safe and sound from a financial and business standpoint. At the same time, normal business risks must be assumed, and the exercise of judgment in the choosing of those risks is the ultimate criterion of the success or failure of any business. The short-staple cotton cooperatives have a difficult and much-involved problem at best. It will not yield successful results if our business is conducted purely on the principle of ultraconservatism, where every transaction is accompanied with safeguards which permit of no possibility of loss. On the other hand, the opposite policy of open speculation is similarly to be condemned. However, there must be a medium ground where judgment, discretion, and experience must determine operating policies. The merit of every case under consideration must be the determining factor.

If the Farm Board, as a loan agency, is to perform a service superior to that which is now being offered by commercial banks, it must help us analyze these problems and assume jointly with us the responsibility of exercising reasonable prudence in handling our business. Such is the happy relationship which I am anxious to see established between us.

Increased delivery of cotton to the cooperatives is the key to reduced per-unit operating expense; and advances to the members at the time of delivery is the most important single influence in deliveries, other things being equal.

As you know, I am opposed to advancing too large a percentage of the value of cotton at the beginning of the year, under ordinary

conditions. The spectre of insolvency haunts me constantly, and I fear it as the child does the bogeyman, and nothing which I have to say on this subject should be construed to mean that I am willing to make advances to members in excess of the reasonable intrinsic value of the collateral. There are times, however, when the danger of market declines is practically nil, and the opportunity for courageously dealing with our delivery problem presents itself. Such a time, in my opinion, is now at hand. The size of the crop is fairly definitely known; the condition of business and the approximate demand or absorbing power of the world is fairly well established. Market analysts are capable of predicting with a fair degree of accuracy the extreme limitations to which the price may go under the reasonable expectation of future conditions. It is, therefore, at a time like this that it is possible for us to advance nearer the market price than it would be earlier in the season, when the size of the crop is less a calculable thing than it is now. I believe the cotton cooperatives, with the aid of the Farm Board, may with safety, and they should immediately, advance 16 cents a point, or \$80 a bale, on unfixed cotton, basis $\frac{3}{8}$ -inch Middling; and that wide publicity to such advance should be given as being the joint program of the cotton cooperatives and the Farm Board, and that the difference between 65 percent advanced at the time of delivery and the \$80 a bale should be paid to the members as soon as weight and grade of the cotton is established.

I think this advance should be limited to cotton in the seasonal pool, with an understanding between the Farm Board and the cotton cooperatives as to the final date at which this cotton would be sold and the price fixed.

Take another view of the situation. The hope of cooperative cotton marketing as a permanent institution is through the seasonal pool. The optional pool offers us the least opportunity to serve the members. However, I do not believe we should discontinue the optional pool, but we should discourage it as compared with the seasonal pool. Gradually, more and more, cotton should be placed in the pools which return the best results to the members. Many farmers, at least in the beginning of the season, are compelled to sell their cotton and pay their obligations; others are unwilling at this time to leave to someone else the responsibility of selecting the time to fix their prices; but, as a matter of fact, we know that on the average the information and knowledge which we have on this subject should be superior to that of the average grower. This knowledge can only be used in the case of the seasonal pool. Furthermore, our policy of encouraging optional pool sales and the advancing of 90 percent of the value of the cotton at the time of fixation is defeating one of the principal objects for which the associations were formed. It is now generally recognized in the cotton trade, with a tremendous advantage to the growers in general, that the pressure of hedge selling is depressing the prices to unreasonably low levels. Our optional pool policy is as much responsible for this hedge pressure as that of the speculative system of marketing. We could relieve the pressure, at least, to the extent of our receipts, if we would at this time advance 16 cents a pound on unfixed cotton and leave to the cooperatives the time of fixing the price. Naturally, this would be done in line with our studies of the subject.

The study of the statistical position of both American and world supply indicates that we will have a slightly reduced American supply and approximately an equal world supply for the ensuing year. Our statisticians advise me that the peak of the hedging pressure has either passed or is near, and, while we may have some decline in the price from the present levels of approximately 18.50 cents for New York December, there is no practical probability of the price going lower than last year's low of the season, if, indeed, this year's price may go that low. The low last season was reached on September 19 and was 17.28 cents for New York December. The immediate removal of hedging pressure would likewise stop the decline. So our own operations would very materially assist in overcoming the effect of the price decline, from which cotton growers and our people in general are suffering. Even at 17.50 cents, this would be 150 points higher than the advance above suggested and leaves a margin of safety more than adequate for all practical considerations.

It occurs to me that here is an opportunity to really perform a service which would greatly stimulate cooperative cotton marketing—would avoid possible losses of millions of dollars to the cotton producers of the South—and would accomplish the real purposes for which the cotton cooperatives and the Farm Board were established. Here is a case of doing something in a big way, without undue hazard to the funds of the Farm Board, and at the same time stepping into the breach and performing a service for the farmers which is beyond their ability to perform individually or as an organized group, and is a service which is beyond the willingness of commercial banks to undertake. At the same time this would not be a precedent in any sense of the word for future consideration—it would simply be dealing with the problem of the industry on its merits at a time when it was feasible for the Farm Board to give real impetus and support to cooperative cotton marketing and genuine assistance to the cotton growers in general.

I believe such a plan would add at least 250,000 bales to our deliveries this season if put into effect by October 15.

Please let me know what you think of this idea.

Very sincerely yours,

C. O. MOSER,
President-General Manager.

NATIONAL FLOOD PREVENTION WEEK

Mr. TRUMAN obtained the floor.

Mrs. CARAWAY. Mr. President, will the Senator yield?
Mr. TRUMAN. I yield.

Mrs. CARAWAY. Mr. President, Senate Joint Resolution 309, Order of Business No. 2310, is now on the calendar. An identical joint resolution has passed the House. I ask that the House joint resolution be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate House Joint Resolution 707, requesting the President of the United States to proclaim the week of May 31, 1939, National Flood Prevention Week, which was read twice by its title.

Mrs. CARAWAY. Mr. President, I ask unanimous consent for the immediate consideration of the House joint resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution (H. J. Res. 707) requesting the President of the United States to proclaim the week of May 31, 1939, National Flood Prevention Week, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate Joint Resolution 309 will be indefinitely postponed.

THE RAILROADS

Mr. TRUMAN. Mr. President, yesterday when the unemployment legislation for railroad employees was passed by the Senate I had intended to make a few remarks in regard to the general railroad situation. It was the opinion of us all that adjournment of the Congress would come last night, and I had no desire to prolong the session. Since the adjournment has been postponed for another day, however, these few remarks will not unnecessarily detain the Senate.

It has been my duty and my privilege to serve with the able and distinguished chairman of the Interstate Commerce Committee [Mr. WHEELER] on the subcommittee investigating railroad finance. I was also present at the White House on two occasions when the President discussed the railroad situation with members of the Senate and House Committees on Interstate Commerce, members of the Interstate Commerce Commission, the head of the Reconstruction Finance Corporation, the Chairman of the Securities and Exchange Commission, a representative of rail security holders, the Secretary of the Treasury, representatives of railroad management and railroad labor. Nearly everyone present had something to say about the railroad situation and several present and a large number not present had pet schemes to cure all rail ills. Certain recommendations were made to the President by the committee, some of which he passed on to the Congress in the form of a message on the subject.

This message, dated April 11, 1938, and headed "Immediate Relief for Railroads," contains the recommendations of the Committee of the Interstate Commerce Commission to the President of the United States, together with certain comments in the form of memoranda and letters from the Honorable Henry Morgenthau, Jr., Secretary of the Treasury; Hon. Jesse H. Jones, Chairman of the Reconstruction Finance Corporation; Hon. William O. Douglas, Chairman of the Securities and Exchange Commission; Hon. Ernest G. Draper, Assistant Secretary of Commerce; Mr. Henry Bruere, president of the Bowery Savings Bank, New York City; Mr. John J. Pelley, president, American Association of Railroads; and Mr. George M. Harrison, Grand Lodge, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employees. The Chairman of the Interstate Commerce Commission and his two associates on the committee made certain concrete recommendations to the President for immediate relief of the railroads and certain recommendations for a long-time plan for transportation as a whole. The President made no recommendations to the Congress except to express the belief that "some immediate legislation is . . . necessary at this session, in order to prevent serious financial and operating difficulties between now and the convening of the next Congress." He also made it very plain that he is against Government ownership of railroads.

The principal recommendations for immediate relief made by the Committee for the Interstate Commerce Commission were:

First. Further and more liberal loans to railroads by the Reconstruction Finance Corporation.

Second. Elimination of land-grant rates to the Government.

Third. Reorganization of the procedure under the Bankruptcy Act to speed rail reorganizations.

The Senate Banking and Currency Committee immediately met and reported a bill for R. F. C. loans to railroads for certain purposes, substantially as recommended by the committee and the Chairman of the Reconstruction Finance Corporation to the President. The Interstate Commerce Committee of the Senate reported favorably a bill abolishing land-grant rates, as recommended by the committee to the President.

The railroad executives, following certain recommendations of the president of the American Association of Railroads, met and asked that a 15-percent reduction in wages of all rail employees be immediately made. This procedure caused a furore in the Senate and the recommitment of the loan bill to the Banking and Currency Committee. With their usual failure to understand, the rail management people tried to bludgeon labor at an inopportune moment.

The railroad ills are the result of a combination of circumstances. Their financing has been used as a means of making great fortunes greater, to the detriment of the roads and the public. In the days of the old buccaneers of Wall Street a great many of the best of the railroads were loaded with debt for purely promotion purposes and for the profit of individuals who cared nothing for transportation or labor or the country. Investigation after investigation has been made by both Houses of the Congress, and if the rails do not go out of business we will have still more of them. The one the Senate has been carrying on has resulted in nothing but headlines in the papers and no concrete result. Financial ills are only a part of the rail difficulty, although no matter how many other ills they have, none of them can be solved unless the financial one can be. The situation is like the gentleman who wanted to go to the seashore for a vacation—there were nine reasons why he could not go. The first was he did not have the money, and the other eight were not necessary to mention.

Railroads exist for one purpose only, to transport passengers and freight around the country. It is a sales proposition, and if they cannot sell transportation to the country and their competitors can, the railroads will go out of business just as the old river packets did.

There are great rail systems in this country now being operated by lawyers and engineers and accountants who could not sell gold dollars for 95 cents. Rail management can only see straight down the right-of-way as it was laid out in 1890, and all the help is in the same frame of mind. They still believe that they own a monopoly in transportation and that they can raise rates to any point and get away with it; browbeat labor into pay cuts, and still pour the cash into Wall Street. It cannot be done. What the rails need is some young blood with imagination.

Seventy-five percent of all the engines in use are over 17 years old and 45 percent of the cars are more than 20 years old. Only 5.6 percent of their engines are less than 10 years old and only 5 percent of the cars are less than 5 years old. How long would the auto industry last if 75 percent of the cars used were 17 to 20 years old? Where would the air industry be if they were still laboring with World War planes? Young men with ideas are going into other methods of transportation because ideas have not been wanted in the rail industry. Yet there is plenty of room for ideas there. I know an energetic young man who took over a busted railroad, ready for dismemberment, and by selling transportation and using ordinary horse-trading sense, he has renewed its equipment and almost completely rehabilitated it in the midst of the depression. Yet all the old-line railroads see is "raise rates and cut pay." They had better follow Henry Ford and cut rates and raise pay.

The rail rate structure was created to fool the public and not to sell transportation. They have five sets of rates to serve this Nation, for what reason no one has been able to tell me. I have never yet found a man in the rate business who could tell me what it would cost to haul a ton of freight a mile or what it would cost to haul 100 cubic feet of space a mile. Rates are not figured on what it costs to haul freight, but on what the traffic will bear, after promotion financing, and the economists and the experts have so beclouded the issue that the smartest man in the world cannot tell what it is all about.

Rail management will say they are regulated to death, that they pay high taxes and other means of transportation are subsidized, that labor is the nether millstone, and Government regulation is the upper one, between which they are being ground to death. I will say that for every regulation there was an abuse to cure, which the railroads themselves could have cured but did not.

I believe that every kind of transportation should be treated alike by the Government, equally regulated, equally taxed. I think a transportation commission to control all transportation is coming. Railroads must be modernized, because they fill a major place in the system of the country. All methods of transportation must be coordinated. If the Government must finance them let us face the situation and do it. Let us retire a lot of old fellows and give the boys a chance and a career to look forward to. Rails must have new blood or they will die or become Government owned, which is the same thing.

WHOLESALE PRICE INDEX, NATIONAL INCOME, AND MONETARY STATISTICS

Mr. PITTMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement regarding the wholesale price index, national income, and monetary system.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The accompanying table depicts broadly the economic situation of the United States by the year from 1926 to 1938. The economic factors given for each year are as follows: Wholesale price index, purchasing power of the dollar, national income, bank deposits plus money in circulation, and gold reserve. All figures are given as reported by various Government Departments, and then a corresponding set of adjusted figures are given.

The Government statistical bureaus selected the year 1926 as having a wholesale price index of 100, and a purchasing power of the dollar equal to \$1, and therefore all price-index and purchasing-power figures used in the table correspond to those of the year 1926.

The wholesale prices of 1926 are no doubt suitable to the needs of the country, but they cannot be reenacted under the other economic conditions during that year, especially in respect to gold reserve, circulating money, and total bank deposits. Gold reserve was only 5 percent of the national income reported, whereas it should have been 10 percent; circulating money also should have been 10 percent of the national income, and exactly equal to a

10-percent gold reserve, but it was only four and eight-tenths billion dollars instead of \$8,000,000,000 to correspond to a national income of eighty and six-tenths billion dollars. For the year 1926 total bank deposits plus money in circulation were reported as fifty-five and nine-tenths billion dollars, which are just sufficient to support an annual income of that same amount, and not eighty and six-tenths billion dollars as reported for 1926.

The careful analysis of the figures in the table from 1915-38 discloses that the monetary amounts and relative values for the average year—in order to avoid losses by panics—should be as follows:

Annual national income.....	\$80,000,000,000
Total bank deposits plus money in circulation.....	80,000,000,000
Total bank loans.....	60,000,000,000
Total money in circulation.....	8,000,000,000
Total gold reserve.....	8,000,000,000

In the accompanying table, when the adjusted wholesale prices are given at 100 and the purchasing power of the dollar given at \$1, the figures for those years have been adjusted to the same ratios as the above.

Neither the Treasury nor the Federal Reserve Board measures the gold reserve as a percentage cover of total bank deposits, but it is a fact that the total bank deposits of all classes of banks in the United States constitute the greatest liability of the citizens, and as a consequence indirectly the United States. As national income should be the same amount as total bank deposits, it is a practicable matter to measure gold in the Treasury as a percentage of national income. The reason for designating the relationship of gold to national income is because there is a marked similarity in the actions of gold reserve when figured as a percentage of national income in relation to the purchasing power of the dollar.

When gold reserve is expressed as a percentage of national income the purchasing power of the dollar varies directly with changes in value of the gold reserve. This is the only consistent relationship which the gold reserve has with any of the credit elements such as bank deposits or loans, Federal Reserve, national-bank notes, or the like. This relationship has extended since 1915 until the present time, and is sufficiently reliable to depend upon in the planning of the future economy of the Nation.

Further, it is now determined that the amount of circulating money has a direct controlling influence upon wholesale prices, and consequently its reciprocal—the purchasing power of the dollar—because the amount of same determines to what extent the gold reserve is in active use. When there is more circulating money than gold, its effect is inflationary, and it causes an unsound rise in the price index. When the amount of circulating money is less than gold reserve, it is deflationary and causes contraction of prices of all business, including national income. It is found also that money in circulation should be equal to the gold reserve, neither substantially more nor less, as its function is solely that of constituting circulating receipts for an equivalent amount of gold, or gold and silver in storage.

Notwithstanding the apparent indefinite status of the gold reserve, in effect it is being held as the joint property of all of the people, and for their collective benefit, rather than that of a concentrated hoard, as of old, to be used as a convenience for those who had both the credit to convert into gold, and places of security in which to protect same after obtaining possession of it. The present status of the national gold may be considered as one of a true reserve; as an absolute gold standard created and maintained for the mutual protection of all of the people, and the Nation itself.

Wholesale price index, national income, and monetary statistics
(1926=100)

	Gold—\$20.67 per ounce								Gold—\$35 per ounce				
	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938
Wholesale price index:													
As reported.....	100	95.4	96.7	95.3	86.4	73.0	64.8	65.9	74.9	80	80.8	86.3	78.8
Adjusted ¹	200	189	217	218	149	117	114	109	100	100	100	100	100
Purchasing power of \$1:													
As reported.....	1.00	1.05	1.03	1.05	1.16	1.37	1.54	1.52	1.34	1.25	1.24	1.16	1.27
Adjusted ¹50	.529	.461	.458	.67	.85	.875	.915	1.00	1.00	1.00	1.00	1.00
National income: ²													
As reported.....	80.6	79.3	82.4	80.7	67.9	53.5	39.5	41.8	49.5	54.9	63.8	69.8	60
Adjusted ¹	40.5	41.7	37.9	37.4	41.7	45.9	34.6	38.0	78.5	91.1	100	100	100
Bank deposits plus money in circulation: ³													
As reported.....	55.9	61.5	63.1	62.4	64.4	62.2	50.8	46	52	57	64	54.8	58
Adjusted.....	40.5	41.7	37.9	37.4	41.7	45.9	34.6	38.0	78.5	91.1	100	127	130
Bank loans: ³													
As reported.....	36	37.3	39.5	41.4	40.5	35.2	28.1	22.4	21.4	20.4	20.8	22.7	21.8
Adjusted.....	18	19.6	18.2	18.9	27.1	30	24.1	20.3	21.4	20.4	20.8	22.7	21.8
Money in circulation: ³													
As reported.....	4.8	4.7	4.7	4.5	4.6	5.3	5.4	5.5	5.5	5.9	6.5	6.5	6.4
Adjusted.....	4	4.2	3.8	3.7	4.2	4.6	3.4	3.8	7.8	9.1	10.6	12.7	13
Gold reserve ³	4	4.2	3.8	3.7	4.2	4.6	3.4	3.8	7.8	9.1	10.6	12.7	13

¹ When money in circulation is equal to gold reserve and national income is 10 times gold reserve, then price index is 100, and the purchasing power of the dollar is equal to \$1.

² Billions of dollars.

³ Estimated.

⁴ After the face value of money in circulation has been corrected to equal gold reserve, then national income is adjusted to 10 times gold reserve.

The Government reports its gold stock to be \$13,000,000,000, which at \$35 per ounce is 370,000,000 ounces. By dividing the amount of circulating money (6.5 billions) by the ounces, we find the gold is represented in business activity at the average price of \$17.50 per ounce. The business within the United States is being conducted on this basis of gold price, whereas foreign trade, which is credited or balanced on the international gold price, is conducted at the rate of \$35 per ounce.

Under the circumstances, the advantage would appear to be entirely with those abroad purchasing from the United States, but the relative costs in this country are so high, due to the difference in the value of the internal and external dollar, that only specialized production which commands high prices are exported. These products consist primarily of war materials. Imports, on the other hand, consist mainly of those commodities which the United States must have and does not produce—such as rubber, coffee, tin, nickel, and so forth. Today an actual contraction of the dollar exists rather than the assumed devaluation. As a practical proposition, the dollar has become deflated rather than inflated.

If the present gold supply were valued at the rate of \$20.67 per ounce, as of old, it would require a currency circulation of 7.648 billion dollars in contrast to the 6.467 billions devalued currency in circulation as of May 31, 1938.

Governor Eccles, of the Federal Reserve Board, in his letter of June 16 to Senator VANDENBERG states that the total bank deposits of the United States in 1938 (reported at 51.7 billions of dollars) are greater than those of the high point in 1929 (reported by the Comptroller of the Currency to have been 55.3 billions of dollars). The latter were on old gold basis and the 1938 deposits are on the devalued dollar basis, equivalent to 30.4 billions of dollars in respect to gold value.

Mr. Eccles states the total money in circulation is greater in 1938 than it was in 1929 when it was reported by the Treasury Department for November of that year to be 4.7 billions of dollars. During 1938, the high point in currency circulation as reported is 6.4 billions of dollars, devalued basis, or 3.8 billions of dollars on a gold basis. In 1929, the gold stock was \$4,000,000,000, and in 1938 it is 7.7 billions of dollars, gold basis, or \$13,000,000,000, devalued basis. The percentage of currency to gold in 1929 was 117.5 percent. In 1938 it is 83 percent, if it is assumed that the currency is still on a gold basis, but actually only 50 percent as the finances of the country are being operated on a devalued dollar basis.

As the 1929 conditions turned out to be the worst in history of the country, it is not a good reference year with which to compare the conditions in 1938. While using 1929, however, as a comparative year, Governor Eccles might have mentioned that total bank loans at that time were reported by the Comptroller of the Currency to have been 41.4 billions of dollars, whereas in 1938 bank loans are reported to be 21.8 billions of dollars on a devalued basis, or 12.9 billions of dollars on a gold basis in direct comparison to the 41.4 billions of dollars figure of 1929. The conditions of 1929, while they appeared to be prosperous at the time, were such as to precipitate the greatest panic in American history. A panic is in existence in 1938, but in no sense are the 2 years similar in conditions. There has been a complete correction of all financial conditions on the part of the administration except the failure to keep the volume of circulating money abreast of gold reserve. This is a condition and not a theory, and no character of explanations can disguise the existing condition that business is stifled and strangled by reason of the lack of currency to represent one-half of the gold supply which reposes in dead storage in the vaults at Fort Knox, Ky., and other Treasury depositories.

MONETARY PROBLEMS

Mr. VANDENBERG. Mr. President, during a time of depression there is always an accelerated interest in monetary problems. The period through which we are now passing is no exception. A great deal of this agitation rotates around certain fundamental questions involving the Federal Reserve Banking System and the method of its operation.

A few weeks ago it occurred to me that it would be highly helpful if there might be an authentic statement from the Federal Reserve Board itself regarding some of the fundamental matters in connection with the monetary system which are always involved in monetary discussions.

Under date of May 17 I addressed a letter to the Board with that idea in mind. I have just received this afternoon, under date of June 14, an amazingly interesting letter from Governor Eccles, which responds in the complete spirit of my inquiry and makes an exceedingly able and important statement regarding Federal Reserve functions as they may be involved in all the monetary agitation which is now sweeping the country. With the consent of Governor Eccles, I ask unanimous consent that my original inquiry and his response may be printed in the body of the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the letters may be printed in the RECORD.

The letters are as follows:

MAY 17, 1938.

HON. MARRINER S. ECCLES,
Chairman, Board of Governors of the
Federal Reserve System, Washington, D. C.

MY DEAR MR. ECCLES: Every depression produces a substantial attack upon the American monetary system. Our present experience is no exception to the rule. My part of the country is once more full of earnest souls who insist that we should rid ourselves of the Federal Reserve Banking System and, of course, substitute greenbacks for bonds. There are always two fundamental points that are stressed by agitators in this field.

I have often wondered whether the Federal Reserve Board itself should not undertake to make available some sort of an authentic statement which might contribute to a more rational state of public information on these related subjects. I think there is a real service to be rendered in this connection, and it seems to me that it ought to come from some authoritative source like the Federal Reserve Board. Needless to say, there is not a remote element of partisanship in this suggestion.

Here are the two constant propositions which these monetary agitators always persuasively stress and with which they always win a sympathetic popular hearing.

The first proposition is that the Constitution of the United States requires the Congress that it "shall coin money and regulate the value thereof," and that Congress abdicates this constitutional function under the existing Federal Reserve System.

The second proposition is that, as a result of this abdication, private banking—operating through the medium of the Federal Reserve System—is the actual controller of "coinage and values," and that private banking takes a profit to itself through the exercise of this public function.

I shall be greatly interested in seeing an authentic answer to these two propositions from the Federal Reserve Board in some form or other. I should like to see the Federal Reserve System provide, abstractly, what it conceives to be the authentic answer to these attacks upon its own foundations and its own existence. The misconceptions persist and multiply, and I think there is a distinct public service to be rendered in making the constitutional theory of the Federal Reserve System authentically plain to the American people in some fashion that brings the matter to the levels of popular understanding.

If anybody has the facilities to do this sort of a job, it is certainly your Board. At the very least—for the benefit of my own purposes—I should appreciate a letter discussing these two principal propositions from your point of view.

With warm personal regards and best wishes,

Cordially and faithfully.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, June 14, 1938.

DEAR SENATOR VANDENBERG: Your letter of May 17 is of much interest to me and to the other members of the Board of Governors, for it raises fundamental questions of public interest. I appreciate, as I know my colleagues do, your interest in having a correct statement of the facts with which to meet misleading and damaging propaganda that jeopardizes not merely our banks but our entire economic structure and, in the final analysis, our democratic institutions.

You state that in your part of the country there is agitation to abolish the Federal Reserve System and to substitute greenbacks for bonds, and that the advocates of this course make two main points: First, that, although the Constitution gives Congress the power to "coin money and regulate the value thereof," Congress has abdicated this power; and, second, that in consequence of this abdication private banking, operating through the medium of the Federal Reserve System, is the actual controller of coinage and values, and thereby takes a profit to itself through the exercise of this power.

We are constantly bombarded, as you are, by those who imagine that all the complicated problems of our economic life can be solved by monetary magic. Unfortunately, the problems are not so simple. The failure on the part of many groups to understand how our economic system functions increases the difficulty of finding practical solutions to the vital problems that confront us.

One of the most conspicuous and arresting facts of the situation as it exists now and has existed since the banking holiday is that we have an abundance, not a scarcity, of money and of funds seeking investment in profitable and productive outlets. It would be supposed that in the presence of this fact those who imagine that a mere increase in the volume of money would assure full employment and prosperity would at least reexamine their arguments. I doubt whether in all history there has ever been such a convincing demonstration of the falsity of the theory that mere creation of a vast volume of funds will of itself produce or maintain prosperous conditions.

The vital point which is so strangely overlooked by the quantity of money theorists is that in order to have prosperity we must not only have an adequate supply of money but it must be put to active use for productive enterprises.

The great need now, as has been the case ever since the late twenties and, indeed, throughout much of the so-called prosperous era is to draw upon our existing human and material resources and put them to productive use. Our problem is not and has not been in any sense one of an inadequate supply of money and credit. We

have today, for example, as you are aware, a larger volume of currency and bank deposits than we had at the peak of the boom in 1929. Interest rates have been and continue to be at unprecedentedly low levels. This would not be the case if there were a scarcity of money. It is a scarcity of money, together with demand for it, that makes interest rates rise.

Excess reserves of the banking system are and have been very much greater than they were throughout the period of the twenties. At present they exceed \$2,500,000,000, and by the end of the year they are likely to exceed \$3,500,000,000, which is greater than they ever have been in all history. Excess reserves represent idle money. In their present proportions they represent credit resources on which business could draw practically without limit if business were able or willing to use these resources for productive purposes.

In my judgment, one reason why bank credit is not flowing adequately into productive business channels is because the banks are under too severe restrictions in their lending and investing operations. This is due both to Federal and State bank-examination policies and to the regulation of the Comptroller of the Currency governing investments by member banks. As to loans, many would-be borrowers cannot get deserved accommodation by the banks, not because the bankers are necessarily at fault but because of the restrictions imposed upon them. While larger units of business can obtain ample bank credit, there are numerous cases where sound local businesses need working capital or fixed capital on longer terms than the banks can make without being criticized by most bank examiners who have been trained in the school which identifies liquidity with soundness. Similarly, the Comptroller's regulation in effect confines permissible bank investments to registered securities that are given approved ratings by recognized rating firms and that have a wide and active market. Thus, many local industries of small and medium size, which cannot stand the costs of registering and issuing securities for general public offering, but which are perfectly sound risks, are denied access to that type of credit which is available to larger business units through the purchase of their securities by banks. Without questioning the necessity for regulations in the field of investment securities, I am confident that it is a mistake to prohibit member banks from purchasing sound securities of local businesses. I have urged that the Comptroller's regulation be revised so that bank lending and investment policy can meet changed conditions and present-day requirements of business and industry. In a recent address I stated: "Bankers cannot justly be held responsible for such restrictive governmental banking policies as confuse soundness with liquidity, or true worth with current depressed market values. I favor modernization of these practices and regulations, to encourage the bankers to meet changed credit conditions and needs within their own communities, and thus to discourage the alternative, which is multiplication of governmental agencies set up to provide credit accommodation that the banking community could and should in normal times be adapted to extend to the public."

Thus while the actual and potential supply of funds is unprecedented, and the trouble is by no means a lack of such resources, monetary policies which have aimed at providing this abundance of money are frustrated when, at the same time, examination and investment policy remain restrictive and, indeed, are exactly contrary to monetary policy. It is for this reason that I have likewise contended that bank examination and investment policies must be closely coordinated with monetary policy. Otherwise, the result is likely to be the stalemate that now exists in the case of many sound but small businessmen who would obtain credit and put it to productive use, and to whom the bankers would make loans, but for the fact that the Government's underlying policy of creating ample credit at reasonable rates for the encouragement of legitimate business is balked in the cases I have indicated by restrictive rules and regulations.

I have digressed from discussion of the specific points raised in your letter since I felt it necessary to emphasize that even in the field of credit control, which is generally entrusted to the Federal Reserve authorities, improvement and coordination of the activities of different branches of the Government is necessary. This situation indicates the urgent need for amendments to the banking laws to insure correlation of policies among the various banking and other financial supervisory authorities.

But, aside from the obstacles just described to the flow of money into productive enterprise, the principal reason why this flow is held back is that business and industry generally see no way to use funds profitably. They are not sure of finding a profitable market for their products. And this condition cannot be remedied until consumers have sufficient incomes to buy those products.

Lack of recognition of this fact lies behind much of the monetary agitation, particularly that directed against the banking system and against the methods of financing the requirements of the Government.

Our banking system has developed its present pattern since the beginning of the Republic, and while no one familiar with it would contend that it has attained perfection or has yet approached the ideal, it has been adapted, step by step, in accordance with American principles and traditions of democratic government and to avoid too great a concentration of or an abuse of power. So many safeguards against these evils have been established over the years as to present other difficulties, such as those arising from divided responsibilities. Yet, with all of the admitted faults, the system is infinitely preferable to one which completely abandons the basic principles upon which democratic governments were long ago established and have since been maintained. Similarly, the procedure

whereby the Government issues its securities, pays interest upon them, and repays them at maturity has been established out of long experience.

The Government represents all of our people. Its debts are the debts of all of our people. When we as a people, acting through our collective medium of government, borrow money we are borrowing from ourselves, and when we pay interest on or pay back the principal of the debt thus created we are paying ourselves. The money required to pay the interest and to pay back the principal is raised by taxation levied broadly on the basis of ability to pay.

What is to be gained by doing away with this established process? If the Government is not to pay interest, then it can no longer borrow from its citizens. Certainly they cannot be asked to lend their savings without any return whatsoever—not if we are to preserve a democratic system of private capital. The Government would have to fall back, then, upon issuing currency. Currency is used only for a small part, not more than 10 percent, of our business transactions. The heart of our system is the extension and contraction of credit in accordance with the requirements of commerce, industry, and agriculture. But let us suppose that the Government were to issue more and more currency in order to meet its current obligations and also to pay off its bonded debt entirely, as some of the advocates to whom you refer have proposed. The recipients of the currency, if they are on the relief rolls, for example, would spend the money as they do the cash they receive now, but ultimately it would find its way into the hands of some merchant or producer, who would deposit it in his bank, and the bank in turn would forward the cash to the Federal Reserve bank, where it would add to excess reserves. Or, if the recipient is the holder of a Government bond which he is obliged to exchange for currency, he might possibly spend some of the currency, or he might endeavor to buy some other security which would return a yield on his capital, or he might deposit the currency in his bank, which in turn would forward it to the Federal Reserve bank; but in every case the currency ultimately would find its way to the Federal Reserve banks and add to excess reserves.

Suppose that the entire national debt were to be paid off in this fashion. About \$34,000,000,000 of the Government debt is represented by Treasury securities held by banks, insurance companies, and other corporate and individual investors. To replace these securities with cash would mean that the cash would flow into the Federal Reserve banks and build up excess reserves by \$34,000,000,000, or to a prospective grand total of more than \$37,000,000,000. There is no way in which any such deluge of excess reserves could be kept within control to prevent them from being used as a basis for a reckless inflation. Under our system of so-called fractional reserves, for every dollar of excess reserves they have the banks can lend approximately \$7. Thus \$37,000,000,000 of excess reserves, if used as a basis for loans, would be capable of expanding into some \$250,000,000,000 of bank loans, an astronomical figure that, if ever realized, would mean the wildest inflation imaginable. Yet the figure serves to illustrate the absurdity of the proposal to pay off the Government's debt in cash.

Assuming that the banks would not indulge in any such orgy of inflation—and, as I have pointed out, there would be no way to control the situation—then all that would be accomplished by the proposal is that the holders of Government securities, whether they be individuals or insurance companies, or savings and other banks, would receive cash for their Government securities, and this cash they would try to invest in some other interest-bearing obligation, presumably one issued by a private corporation, and if they failed to find a satisfactory investment they would deposit the cash in the bank. In any event, the currency would finally find its way back to the banking system, because no more currency will remain in circulation than the public needs for pocket, pay roll, and a few other purposes. (The reasons for this are explained in more detail in The Currency Function of the Federal Reserve Banks, copy of which is attached.) The heart of the American financing system is credit—not coins or paper money. They are the small change. The great bulk of business is done by bank checks.

After the money was deposited in the bank it would probably be added to the already redundant amount of funds that fail to find a satisfactory investment outlet. The effect would be to bid up to larger and larger premiums the existing supply of such investments, which are even now at extremely low yields.

The creation of more idle funds would not create more real wealth. It would not lead industry to produce more of the necessities and comforts of life which our people need or want. It would not help to distribute among the people of the country the needed and wanted things—housing, clothing, food, and all the infinite variety of other products which our economy could and should produce.

Furthermore, the use of the printing press by the Government would remove all restraint on public expenditures. When the Government prints money, someone has to pay for what it buys. Production does not increase and in the exchange of goods some group in the population must bear the cost of uncompensated acquisitions by the Government. Who pays in the first instance depends on circumstances, but ultimately it is paid for by those least able to bear the cost, for inflation inevitably follows this course, and the burden of inflation, through loss of buying power of money, falls heaviest on the poor, who spend all their earnings to meet the cost of living. It is far cheaper and more equitable to pay for Government expenditures out of taxes, to which contributions are in accordance with ability to pay, than to pay for

them by inflation, which destroys the value of the pay envelope, the savings account, and the insurance policy.

There is no question whatever as to the sovereign right of the Government to abandon tried and tested principles and to issue greenbacks. What is at issue, is not the right of the Government to do virtually what it pleases with its currency. The issue is whether the Government shall adhere to principles established through long and often bitter experience or throw those principles to the wind in favor of the printing press methods that we as a nation have discarded, but that have led some countries to financial ruin.

As I have indicated, the basic fallacy of the groups to whom you refer appears to be that of mistaking money for real wealth. The Government might, and certainly constitutionally could, flood the Nation with paper currency, unbacked by anything other than the air we breathe, and limited only by the ability of the presses to turn out the printed money. Yet that would not add one dollar to our real wealth. It would not better the lot of our people. It would serve only to engulf all of us in a ruinous inflation and collapse. Possibly a few shrewd speculators might benefit by that, but for the great mass of our people it would be utterly disastrous.

Stripped of the specious profundities about the constitutional right of the Government to coin money, the argument for abandonment of the established principles on which this Government has always stood leads to the same end as the bolder, franker cry for an unlimited inflation. That would be the inescapable outcome, unless it be argued that the Government would be as likely or more likely to avoid the pitfalls of reckless, inflationary issuance of its non-interest-bearing obligations, than is the case today when it is committed to pay the interest and principal on its debt. Experience disproves that argument. Governments have too often been tempted to travel this path to national bankruptcy when all restraints were removed. That is why the proponents of greenbacks also would abolish the Federal Reserve System, which was created nearly a quarter of a century ago as a means of assuring elasticity of our money system and at the same time to prevent abuses and to impose restraints against reckless inflation and speculation. It is not surprising that those who want greenbacks also want to remove even such limited restraints against inflation as Congress has given to the Reserve System.

This background serves to indicate the answer to the two propositions you set forth as characteristic of current monetary agitation: First, the argument that Congress has abdicated its constitutional right to coin money and regulate the value thereof; and, second, the contention, that as a result of this abdication, the private banking system reaps large profits. Both contentions are false.

Under the division of powers between the legislative, executive, and judicial branches of the Government provided for in our Constitution, it is not the function of Congress to execute the laws. It is the function of Congress to make the laws and the function of the executive branch of the Government to execute them.

When the authors of the Constitution provided that Congress should have power to coin money and regulate the value thereof, they did not mean that Congress should set up mints and printing presses in the Capitol and operate them itself. They meant that Congress should pass laws regarding the coinage of money and regulating the value thereof and leave it to the executive branch of the Government to execute these laws, and this is exactly what Congress has done.

The right of Congress to entrust to administrative agencies the execution of the laws which it enacts is as old as the Republic. It has never been seriously questioned. It has been so long recognized and established by the courts as to be beyond serious controversy. Similarly, the Congress has a right to assign execution of its will to whatever agency it cares to select or create. In so doing, the Congress frequently selects an executive agency of the Federal Government, such as the State, War, Navy, or Agriculture Departments. Or it may select an independent agency, for whose operations it appropriates the necessary funds, such as the Federal Trade Commission or the Interstate Commerce Commission. Congress assigns the execution of its power to coin money, for instance, to the Treasury Department, and, in recent years, has given the President a limited authority to determine the gold value of the dollar. In all such cases, Congress has not abdicated its power. Congress has only done what it constitutionally has the right to do: It has set up or used existing administrative agencies to execute its will, while retaining the power to take back the authority or to place that authority elsewhere. Abdication of a power means its surrender. Congress surrenders none of its power to coin money and fix the value thereof. It simply designates the Treasury as the instrument of its will and power to coin money.

In exactly the same way, Congress has established the Federal Reserve System as an independent agency to carry out its mandate in connection with the terms and conditions upon which member banks may create credit currency. The only important point of difference between creation of the Reserve System and creation of the Interstate Commerce Commission as independent agencies to carry out the will of Congress is that the expenses of the former are paid out of the earnings of the System, while the expenses of the latter are paid out of the Treasury. Congress ordained that this difference should exist in respect to the Reserve System as a further safeguard of its independence of action

in the exercise of the delegated authority of Congress. At the same time, Congress has the power to abolish the System, to change it, to require that its expenses be paid in some other manner, and to appropriate the earnings and surplus of the System. In fact, Congress has exercised this power by appropriating to the Federal Deposit Insurance Corporation fund approximately \$140,000,000 from the surplus of the Reserve System built up out of earnings. By no stretch of the imagination can this be called an abdication or surrender of a constitutional power by the Congress. It is, as in innumerable other cases, an assignment by Congress of the execution of an unquestioned and fully retained constitutional power.

As for the question of the profits of the banking system, so far as the Federal Reserve System is concerned, it is not and never has been operated with a view to making profits, and in this respect differs fundamentally from the usual commercial bank. Such profits as have accrued to the System through its operations, from which reserves have been established to cover contingencies, from which expenses of the System have been paid, on which franchise taxes have been levied at times by Congress, and which have been appropriated by Congress as in the case of the Federal Deposit Insurance Corporation fund, have been derived as an incident of and not as a result of the objective of the System's operations.

The System's operations are intended to serve the general public welfare. Such operations are a part of the financial mechanism necessary in all modern governments. To abolish the System would not do away with the necessity for creating some similar mechanism to perform the credit and supervisory functions which Congress has deputized the System to perform. Opinions may differ as to whether some other mechanism might be better, but the right of the Congress to create the Reserve System as the agency for the performance of these essential functions cannot be seriously challenged.

Accordingly there is no substance whatever to the assertion that Congress has abdicated its constitutional powers by authorizing the Reserve System to carry out its will, and, by the same token, the argument that thereby private banking improperly deprives a profit falls to the ground. The assumption that the Reserve System, created by and existing at the will of Congress, is a privately owned system springs from a misconception of the facts. The major monetary, credit, and supervisory powers of the System are exercised by a Board of Governors, nominated by the President and confirmed by the United States Senate. All national banks are required by law to be members of the System, and State banks are admitted to membership under specified conditions laid down by the Congress. All of these member banks are required by law to subscribe a proportional amount of their capital to the Federal Reserve banks in their respective districts, on which subscription a rate of return, fixed by Congress and changeable at the will of Congress, is paid. What is, in fact, a compulsory contribution by the member banks is termed a purchase of stock, but this designation is misleading since no member bank is permitted by law to trade in the stock or to enjoy various other privileges which are usually associated with stock ownership.

In any case, regardless of whether the member banks are required by law to subscribe to this unprivileged stock or whether some other device be substituted for the subscription, the matter is relatively unimportant, for it would make no real difference to the proper functioning of our economic system if this detail were changed. The effort of agitators to raise this bugaboo obscures the true meaning of their attacks, which, if successful, would undermine the foundations of our economic institutions.

They would destroy, to no purpose, the established first principles upon which our Government and all solvent governments have operated for centuries. They would do away with the Reserve System created out of long experience and adapted, step by step, over the past quarter of a century. Yet doing away with it would not do away with the necessity for a similar medium to perform essential functions for the Government and the public at large. They would, in the end, destroy our banks, our savings, insurance, and other fiduciary institutions, for the day that the Government abandoned interest paying and turned to the printing press would mark the beginning of the end of the basic principles upon which our economic institutions are founded.

Permit me to express again my appreciation of the spirit in which you write and your desire to help the public to distinguish between sound principles of government and of economics that have been established by centuries of experience and proposals which could only bring disaster to the great mass of our people.

Sincerely yours,

M. S. ECCLES, Chairman.

HON. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

SEPTEMBER 24, 1936.

THE CURRENCY FUNCTION OF THE FEDERAL RESERVE BANKS

Three fundamental facts must be kept in mind in order to understand the functions of the Federal Reserve banks in relation to the country's supply of currency. These facts are: (1) The Federal Reserve banks are semipublic institutions with Government representation on the boards of directors; they operate under the general supervision and in some vital matters under the control of the Board of Governors of the Federal Reserve

System, a governmental body, appointed by the President. (2) The Federal Reserve banks are not operated for the purpose of making profits, but for the purpose of serving the public interest in ways prescribed by the law. Earnings of the Federal Reserve banks above expenses and dividends go into a surplus account which in case of liquidation belongs to the Government. (3) The amount of money in circulation is determined by the needs of the public and not by the Federal Reserve banks. This is what is meant by an elastic currency.

1. Federal Reserve banks are semipublic institutions

Each of the 12 Federal Reserve banks has 9 directors, of whom 3, including the Chairman, are appointed by the Board of Governors in Washington. The appointments by the directors of the presidents and first vice presidents and all salaries fixed for officers and employees of the Reserve banks are subject to approval by the Board of Governors. The Board of Governors also has control over discount rates, that is, the rates that the Reserve banks charge for their loans to member banks, and constitutes a majority of the Federal Open Market Committee, which determines the amount of Government securities the Federal Reserve banks shall buy or sell. The Federal Reserve banks are privately owned institutions in the sense that their capital stock is owned by the member banks, but under the provisions of the law the stockholders elect only six of the nine directors, and the actions of the directors in all matters of national importance are subject to review by the Board of Governors in Washington.

Under the law the Board of Governors through its local representative, the Federal Reserve agent, has authority "to grant in whole or in part, or to reject entirely, the application of any Federal Reserve bank for Federal Reserve notes." The frequently made assertion that the Government has turned over the power to issue money to a private agency which uses such power for its own profit is, therefore, contrary to the facts both as a matter of law and as a matter of practical operation.

2. Federal Reserve banks are not operated for profit

The Federal Reserve banks were created for purposes stated as follows in the preamble to the Federal Reserve Act: "To furnish an elastic currency, to afford means of rediscounting commercial paper, and to establish more effective supervision of banking in the United States." They were not created for the purpose of making profits for private interests. The principal functions of the Federal Reserve System are to exert an influence on changes in the supply and cost of credit with the view to accommodating commerce and business, to hold the reserves of member banks and to make advances to them when they are in need of additional funds, to supply an elastic currency, to facilitate the collection of checks and interregional transfers of credit, to act as fiscal agents and depositories of the United States Treasury and other governmental agencies.

Earnings of the Federal Reserve banks are derived from interest obtained on their loans and investments, the volume of which reflects principally credit policies adopted in the public interest and not for the purpose of obtaining profits. Of the total earnings since their establishment in 1914, the Federal Reserve banks have spent nearly one-half in meeting expenses, a large part of which represents the cost of collecting checks drawn on deposit balances in member and nonmember banks and in the maintenance and distribution of an adequate supply of currency.

After the Federal Reserve banks' expenses have been met, they are required to pay out of their earnings a 6-percent cumulative dividend to stockholding member banks. Of the amount earned by the Reserve banks above expenses from the time of their establishment to the end of 1935, about one-fourth has been paid as dividends to member banks, which in addition to their contribution to the capital funds of the Reserve banks are required to hold much larger reserve balances with the Reserve banks on which they receive no interest, one-fourth has been paid as a franchise tax to the United States Government, under a provision repealed in 1933, one-fourth was appropriated by Congress in 1933 as a contribution to the capital of the Federal Deposit Insurance Corporation, on which the Federal Reserve banks are not entitled by law to any return, and the remaining fourth has been paid into the Reserve banks' surplus account. The surplus increases the ability of the banks to serve the public and, when earnings are insufficient to pay expenses and dividends, it may be drawn upon to make up the deficiency. In case a Federal Reserve bank is liquidated, its surplus, after meeting all obligations, becomes the property of the United States Government.

It is apparent, therefore, that three-fourths of the net earnings of the Reserve banks since their establishment have been devoted to public purposes.

3. The Federal Reserve banks provide an elastic currency

The amount of money in circulation at a given time represents what the public collectively wants, since currency always moves out of the Federal Reserve banks when the demand for it increases and returns to them when the demand subsides. This is what is meant by an elastic currency. When currency is needed, the public obtains it from its local banks, and the latter obtain it from the Federal Reserve banks. When it is not needed, the public deposits it in the local banks, and the local banks in turn redeposit it in the Federal Reserve banks. The Federal Reserve banks may be regarded as reservoirs from which additional currency is drawn when the public requires it and to which

currency not required by the public is returned. The Federal Reserve banks have no direct way of keeping in circulation a larger amount of currency than the public requires, or reducing the amount of currency that the public needs to finance its current operations.

The demand for currency is determined by various conditions. A certain minimum is required for day-to-day cash expenditures of individuals; a certain minimum is required for pay rolls. There are times when personal expenditures rise, as during holidays, and there are times when pay rolls rise, as during harvest. Certain individuals, businesses, and communities have their own periods when they need more or need less cash than ordinarily. The net effect of all of these factors is a normal and regularly repeated cycle of demand for currency year after year—slack after the first of January, when retail trade falls off following the holidays, larger during the succeeding spring months, when pay rolls increase and outdoor industries become active, slack again in midsummer, and steadily increasing during autumn and early winter to the regular peak in December.

In addition to this regular annual cycle, the amount of currency also responds to increases and decreases in the volume of retail trade and of pay rolls as the amount of business done by the country increases or decreases. There have been times also when the demand for currency was greatly increased as in the period preceding the banking holiday in 1933. In the course of a few weeks at that critical time the Federal Reserve banks furnished the public with as much as \$2,000,000,000 of additional currency.

For more than 20 years the Federal Reserve banks have fully met the normal demands of the country for currency; they have also fully met peak demands both in times of prosperity and in times of depression, and they have made it possible for the volume of money to decline automatically when the public demand for it declined. The elasticity of our currency is complete.

Machinery of note issue

Before a Federal Reserve bank can obtain Federal Reserve notes it must deposit as security with the local representative of the Government, known as the Federal Reserve agent, collateral at least equal in amount to the notes to be issued. This collateral, as provided by law, may consist only of the following assets: (1) promissory notes, drafts, bills of exchange, or acceptances, usually referred to as "eligible paper"; (2) gold certificates on hand or due from the United States Treasury; and (3), until March 3, 1937 (this date has since been changed to June 30, 1939), United States Government securities bought in the open market. In addition to being secured by the pledge of specific collateral, Federal Reserve notes are a first lien on all the assets of the issuing Federal Reserve bank, and a 40-percent reserve in gold certificates must be maintained against them.

In all cases Federal Reserve notes are issued only for an adequate consideration. The currency an individual receives from his local bank is charged against the amount he already has to his credit on the bank's books, and the currency the local bank receives from the Federal Reserve bank is charged against the amount it already has to its credit on the latter's books. Issuing currency for purposes of circulation is at all points, therefore, an exchange of cash for something of equal value.

As of September 2, 1936, the Federal Reserve banks had obtained \$4,300,000,000 of Federal Reserve notes, of which \$4,000,000,000 were in circulation and \$300,000,000 were held in the vaults of the Federal Reserve banks. The collateral held against these notes was as follows:

Gold certificates on hand and due from U. S. Treasury	\$4,301,000,000
U. S. Government securities	73,000,000
Eligible paper	5,000,000
Total	4,379,000,000

Gold certificates are receipts which are issued to the Federal Reserve banks by the United States Treasury for gold deposited with it in compliance with the Gold Reserve Act of 1934, which required all monetary gold in the United States to be delivered to the Treasury. The Federal Reserve banks have no right to pay out these gold certificates. As indicated, the Federal Reserve banks have pledged \$4,300,000,000 of these certificates against \$4,000,000,000 of their own notes in circulation. Federal Reserve notes, therefore, at present are virtually substitutes for gold held in the United States Treasury. They constitute about two-thirds of the total of \$6,200,000,000 of money in circulation.

The Emergency Banking Act of March 9, 1933, authorized the Federal Reserve banks during the period of the emergency to issue Federal Reserve bank notes, which are to be distinguished from Federal Reserve notes. These notes, when issued, must be secured by at least an equal amount of collateral, which may consist either of direct obligations of the United States or of promissory notes, drafts, bills of exchange, or bankers' acceptances acquired by the Federal Reserve banks under the provisions of the Federal Reserve Act. There are about \$50,000,000 of these notes in circulation, but the Federal Reserve banks have deposited a sufficient amount of lawful money with the Treasury to provide for their redemption. No such notes are now being issued.

National-bank notes also are no longer being issued. The privilege of issue which national banks formerly had has been discontinued, and the banks have deposited with the Treasury sufficient funds to redeem all their outstanding notes. All other

Subsection (b) of section 29 of such act is amended by inserting before the period at the end thereof a colon and the following: "Provided, (A) That no contract shall be void by reason of this subsection because of any violation of any rule or regulation prescribed pursuant to paragraph (2) or (3) of subsection (c) of section 15 of this title, and (B) that no contract shall be deemed to be void by reason of this subsection in any action maintained in reliance upon this subsection, by any person to or for whom any broker or dealer sells, or from or for whom any broker or dealer purchases, a security in violation of any rule or regulation prescribed pursuant to paragraph (1) of subsection (c) of section 15 of this title."

tion (c) of section 15 of this title, unless such action is brought within 1 year after the discovery that such sale or purchase involves such violation and within 3 years after such violation."

On page 17, line 16, to strike out "clause (3), (4), or (5) of subsection (c)" and insert "paragraph (3) of subsection (c)."

Mr. MALONEY. I move that the Senate concur in the House amendments.

The motion was agreed to.

BOMBING OF CIVILIAN POPULATIONS

The Senate resumed the consideration of Senate Resolution 298, condemning the bombing of civilian populations. Mr. CLARK obtained the floor.

Mr. TYDINGS. Mr. President—

Mr. CLARK. I yield to the Senator from Maryland.

Mr. McNARY. Mr. President, I shall object to the consideration of any further matters until the pending matter is disposed of.

Mr. TYDINGS. Would the Senator object to action on a House amendment to a Senate bill?

Mr. McNARY. I object to it at this time.

The PRESIDENT pro tempore. The Senator objects to the consideration of any other matters until the pending resolution is disposed of.

Mr. CLARK. Mr. President, day before yesterday the Senate agreed to the conference report on the bill amending the Maritime Act of 1936. As one of the Senate conferees on that bill, I refused to sign the conference report, and I voted against the passage of the bill in the Senate. I did that, Mr. President, because the bill authorizes the expenditure of incalculable sums of money in the construction of ships, with every single provision which might have been considered for the protection of the Government of the United States against the extortionate profits of shipbuilders deleted from the bill. Mr. President, in view of the attempts at extortion made by shipbuilders in the merchant-marine construction program under the 1936 act, and particularly in view of the record of extortion of the shipbuilders during the World War, I think it was unjustifiable to pass the amendment to the present maritime act removing all restrictions and removing any protective power whatever in the Government of the United States or the Maritime Commission to protect themselves against gouging by shipbuilders.

Let me illustrate. I do not desire to detain the Senate by reading the whole opinion, but for the purpose of illustrating the extortionate demands of the shipbuilders I desire to call attention to the decision of the District Court of the United States for the Eastern District of Pennsylvania in two cases, United States of America against Bethlehem Steel Corporation et al. and Bethlehem Shipbuilding Corporation, Ltd., against United States Shipping Board Emergency Fleet Corporation. The decision was handed down recently in the District Court of the United States for the Eastern District of Pennsylvania.

During the period of the greatest emergency during the war, the Bethlehem Shipbuilding Co. constructed several ships for the Emergency Fleet Corporation on an extremely extortionate cost-plus basis, without the shipbuilding company risking a single thin dime, without the shipbuilding company engaging in any of the risks of the entrepreneur. For \$122,000,000 worth of ships, the Bethlehem Shipbuilding Co. has already been paid in excess of \$20,000,000 profit, and it came back again to demand an additional sum of between \$5,000,000 and \$6,000,000. The Government protested on several points. I shall not bother to read the whole opinion of the court, although it is very short. I ask unanimous consent that the opinion as a whole be inserted at this point in my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Sitting in equity: The United States of America v. Bethlehem Steel Corporation et al. March term 1925, No. 3315. Bill.

At law: Bethlehem Shipbuilding Corporation, Ltd., v. United States Shipping Board and Emergency Fleet Corporation. December term 1925, No. 11,970. Assumpsit.

SUR EXCEPTIONS TO REPORT OF SPECIAL MASTER, ETC.

Dickinson, J. June 2, 1938.

There will be no charge made of undue haste in the disposition of these cases. The contract with which they concern themselves was signed in 1918. The bill in equity was filed to March term, 1925, and the actions at law are entitled as of December term, 1925.

The master was appointed in 1931 and made his report, in the sense of having prepared it, February 19, 1932, but withheld it at the request of the United States and agreement of the steel company, until the filing date of February 7, 1936.

The cause was not set down for hearing upon the exceptions until May 16, 1938. It is the due of the master to state that no part of this "lapse of time" is chargeable to him but has been to him "a matter of regret and concern."

There are two cases before us, the other actions brought having been disposed of. Of the remaining cases one is a bill in equity and the other an action at law. The litigation began with the filing of the bill. This was one to compel the defendant to disgorge averred unconscionable profits which it had received on a contract for the building of ships by the defendant for the United States Merchant Marine. This was promptly followed by the action at law in which the plaintiff seeks to recover from the Shipping Board Corporation a claimed unpaid balance due it for performance of the same contract. Each controversy is thus over the same contract and the proceeding and action may be discussed as one claim and defense. The threatened length of the inquiry induced the parties to agree upon a procedural arrangement to shorten it so far as possible. This was to have the proceeding in equity referred to a special master and for the parties to the action at law to waive a jury trial and refer the cause to a referee under the Pennsylvania practice—the same person to act as special master and also as referee.

The then Owen J. Roberts, Esq. (now Mr. Justice Roberts, of the Supreme Court), was appointed by the Court as special master and agreed upon as referee. Upon the retirement of Mr. Roberts, William Clarke Mason, Esq., succeeded him, and it is his report which is before the court with exceptions. He will be referred to as special master. Three hundred and seventy-nine requests for findings of facts and conclusions of law were submitted to the master and answered by him. The exceptions to his report number 153. A detailed discussion of all the points thus raised is impracticable within the limits of a judicial opinion nor is it necessary. The various contentions of the parties may be grouped and formulated in a few general questions.

The complaint and defense of the United States may be voiced in the statement that the contract in question called for the construction of 66 ships constructed at a total cost price of about \$122,000,000, from which the contractor has received a profit of nearly \$20,000,000, and is claiming the legal right to over \$5,000,000 more, in addition to whatever profits its subsidiaries may have made on the supply of materials to the contractor. This (without the latter, if any) makes up the portentous total of about \$25,000,000. Even the part of it which the contractor has received is characterized by the United States as exorbitant, unconscionable, and as the fruit of fraud, because of which the United States, as a defrauded party, is seeking to have restored to it the unjust sums exacted.

The answer and demand of the contractor is that it has asked and is asking for no more than the moneys due it under the contract entered into by the parties, and that so far from what it has received being excessive, that there is still an unpaid balance due it for the payment of which the action in assumpsit has been instituted. This brings the question before the master and this court to that of how much has the contractor a right under the dealings and contract between the parties? It must be borne in mind that we are concerned with the legal justice of the cause and cannot, except so far as the law directs, give weight to other considerations.

Among the horrors of war a not inconsiderable one is the way and extent to which Army contractors profit by the needs of government. It may be that this in case of most contracts is necessarily true. Prices at such times are upset. Someone must take a real and great risk and a contractor cannot be expected to take it. It is proverbial that war profits from Government contracts are far beyond what in peacetime would be deemed fair and reasonable.

It is pointed out by the United States that, in the instant case, the contractor had no reason to bargain for large profits to offset a risk of loss because this contractor under this contract took no risk whatever. The exaction of inordinate profits is thus viewed by the United States as an advantage taken of the pressing needs of the Government.

The United States stands upon three propositions: One turns upon the interpretation given to the contract, the second upon a fact finding, and the third upon a conclusion of law. These three propositions are:

1. The percentage of saving which the contractor is to receive is not based upon the difference between the estimated cost and the actual cost, but upon that part of this difference which was due to the services rendered by the contractor.

It is not altogether clear whether the United States is relying upon this as a construction of the contract as made or whether upon the doctrine of unconscionable contracts, invoked in the third position of the Government, later discussed. As a method of treatment we limit it at present to the proper interpretation of the contract. It need only be said that the master has not so construed the contract, and we are constrained by its wording to agree with the master. The contract gives the contractor one-half of the difference between the estimated cost and the actual cost of the ships. The Government's criticism of the contract is based upon this interpretation of its meaning.

2. The estimated cost of construction, inserted in the contract as one basis for the determination of the bonus profit to the contractor, was fraudulently overstated by the contractor so as to make this part of the contractor's profits inordinately large and exorbitant.

This is a charge of actual fraud perpetuated by deception. The master has found against this charge of actual fraud and under all the evidence he could not have found otherwise. The managers for the contractor adopted the famous Rob Roy distinction, who admitted he was a robber but proudly proclaimed that he was no thief. The contractor boldly and openly fixed the figures in the estimated cost so high as to give them the promise of large bonus profits. The managers for the Fleet Corporation knew that the estimate was high and why it was made high and so protested it. The reply of the contractor's managers was "we will take the contract with this promise of bonus profits incorporated in it, but not otherwise. You take it or leave it." Whatever wrong there was in this may have been the wrong in a daylight robbery, but there was no element of deception in it.

Third. The contract, although without any element of fraudulent deception in its making, in its performance results in profits to the contractor, so inordinately large as to be extortionate and to render the contract unconscionable and thus unenforceable in equity or at law.

This is the real cause of action set up in the bill and the real defense interposed to the action at law. As viewed by the Government these profits are so large "that no one short of lunacy would agree to pay them and no honest man would accept them." The analog is the enforcement of the contract of a drowning man to give an inordinately large reward to one who can without risk and with little trouble rescue him.

This presents the subject of the obligation of contracts and enforcement. This obligation has always been regarded as the very cornerstone of the fabric of civilization. The whole business commercial structure is built upon it. It may well be thought that of late years we have gone quite far enough toward abolishing the obligation of debt. There had always been, however, a limit to the binding force of a contract or at least the extent to which the law will go in enforcing it and this is the limitation which the United States invokes. When the results and consequences of the enforcement of a contract are such as to stagger our sense of what is just and fair, this alone may be deemed evidence of hidden fraud. Resort is had to various expedients to in effect avoid the contract. One is to a strict interpretation of the contract. The obligee may have his pound of flesh but not a little more or less and not a drop of blood. Sometimes a quantum meruit is substituted for that for which the contract calls. Sometimes a limit imposed by the arbitrary power of the law is placed upon what the obligee may exact, as in the case of our usury laws. Sometimes what is called a policy of the law is interposed to the enforcement of a particular contract. The law is powerless, in every case of contract, to prevent the unscrupulous from taking advantage of the unwary. All it can do is to weigh the need to observe and enforce the obligation of debt against the injustice and unfairness resulting from a particular contract. It cannot rewrite the contract between the parties. What really happens is this. The claimant has his contract but cannot enforce it without the aid of the law. The law simply refuses its aid to an unconscionable contract.

Applying these generalities to the case before us there is presented the thought that the Government views this question as one affecting sovereignty. The sovereign needs no help from the courts. It cannot be sued nor can a judgment against it be enforced without its consent. There would be nothing staggering in the proposition that the sovereign might interpose a quantum meruit limitation to any demand made upon him. This contract, however, was not made with the United States but with the Fleet Corporation. This court rules (per Thompson, J.) that the Fleet Corporation was a corporation, and that the legal consequences of this fact were not affected by the circumstance that the United States was an owner of its stock or indeed its sole owner. The United States Supreme Court has since so ruled.

United States v. McCarl (275 U. S., 1).

Fleet Corporation v. Harwood (281 U. S., 519).

We are in consequence dealing with a contract made between private parties. In viewing the "unconscionable profits" phase of it, there is this to be said. The motive for the insertion of the

bonus feature is obvious. Unless the promise was of substantial profits, the incentive to keep down the cost would be lacking. Consequently it was made one-half of the total savings. It is doubtless true that there is no way of curbing "Army contract" profits in time of war. What the Government is to be protected from is the higher wartime cost. The direct way of measuring this is by the contrast of the actual wartime cost with an estimate of what the peacetime cost would have been. There would be many ways of checking up on this but such a contract would be difficult to frame. The bonus in this contract was measured by the contract of an estimated wartime cost with the actual cost. There is no way of checking up on such an estimate. It is almost altogether a guess. The only check would be to limit the maximum savings profit payable. The contractor here bluntly refused to enter into a contract with such a limitation. The strongest position for the Government to take is that an agreement to pay a savings bonus is an agreement to pay something for nothing.

The cost-plus agreement here made was really a hiring of the contractor's equipment and organization on a 10-percent commission basis. The contractor was really an employee of the Fleet Corporation. As such employee it was bound to render due service in keeping down the cost of construction to its employer. The exaction of a bonus for doing what it was the contractual duty of the employee to do and what it was otherwise paid for doing, partakes of the nature of a racket. We are here applying the test of what is unconscionable. There is a recognized margin, however, between the service which an employee is in duty bound to render and that which he is capable of rendering. It is common practice to call forth this reserve energy of employees by offering the inducement of extra pay or a bonus for increased service by which the employer benefits. It is likewise common to measure the value of this extra service by results. A bonus given for time construction is an illustration. Such agreements may be based upon a wrong principle but in view of a general and common practice they could not be condemned as unconscionable. For one party to a contract to take advantage of the ignorance or necessities of another may well be condemned as ethically wrong. Taking candy from a child is the acme of meanness. When a party should be relieved of the obligation of a contract because the other party to it has reaped an unexpected or undue profit, is to be determined by the circumstances of each individual case.

The master has given to the consideration of this case painstaking care. He has supported his conclusions by reasons set forth in a report of gratifying clarity and bearing every evidence of considerate judgment. We accept his conclusions as sound and adopt them.

This disposes of all the questions raised by the exceptions to this voluminous report except those which relate to the question of the allowance of interest. The United States excepts to the allowance of any interest and the steel company to the allowance made as inadequate. We have been unable to find these specific exceptions other than three and four of the steel company. The question was, however, argued before us, and we will assume that it is raised by appropriate exceptions. The question of interest allowance is commonly treated in the reported cases in a more or less perfunctory way. There seems to be a disposition to treat it as a matter of course by allowing interest. Controversy is commonly over the rate of allowance. Interest is, however, a matter of contract, express or implied, or is an element in the assessment of damages. Here the contract was to pay a sum of money based upon a percentage of savings in the cost of the construction of these ships. There was no agreement to pay interest. The interest doctrine of the law of Pennsylvania in damage cases has been well stated by the master. In tort cases it is not allowed qua interest but is allowable as an element in the assessment of the damages suffered by the plaintiff. The rate of allowance is not controlled by the usury statutes except that what is commonly called the lawful rate cannot be exceeded. The reason for this limitation is obvious. In breach of contract cases what is really the like rule applies. Damages for the breach must be assessed. Deferred payment is an element.

We have in mind numerous cases, many of which have been cited to us, which rest upon a fiction. The fiction is that the damages become payable on the breach and there was then an implied promise to pay at once or to pay interest on deferred payments. Here there is no room for an implied promise. The promise was express to pay this bonus based upon a percentage of savings. Payment was not due until the saving was determined. This means here that the sum due does not bear interest until ascertained and hence not until judgment recovered. This in theory is no hardship to the contractor. He may press his claim promptly to judgment. He cannot turn it into an investment bearing, as is claimed here, 6-percent interest, thereby doubling the final payment to be made.

The master was fully justified in assessing the damages, in considering the interest item at a 2-percent rate. By the same token he might have excluded it altogether, which we think he should have done. There is in the allowance of interest something in the nature of a penalty for delayed payment. We do not think any such penalty was incurred here.

It has been urged upon us that no interest should be allowed, because interest is not recoverable against the United States. We refuse to so hold but are in accord with the finding of the master

that the judgment to be entered is one against the Fleet Corporation.

To give definiteness of date to the decree and judgment to be entered none is now entered, but leave is granted to enter a formal decree and judgment in accordance with this opinion and the conclusions stated below.

1. The bill in equity should be dismissed for want of equity and the crossbill for the additional reason of want of jurisdiction.

2. Judgment should be entered in the action at law of the Bethlehem Shipbuilding Corporation, Ltd., for the sum found by the master without interest.

3. The other actions at law should be disposed of in accordance with the stipulations of the parties.

4. The exceptions filed to the report of the master should be dismissed except the exception, if any, to the interest allowance, which should be sustained.

5. As thus modified, if there is such exception, the report of the master should be approved and confirmed.

Mr. CLARK. I desire to refer very briefly to one or two expressions of the court. One has to do with war profits. The expression of opinion seems to me to be extremely timely, in view of the fact that today, for the third successive session since the war profits bill, a bill to tax the profits and the income of everybody during the period of a war, has been allowed to die on the calendar. It seems to me that the expression of the court with regard to the profits made during the war is extremely timely. I quote from the opinion:

Among the horrors of war a not inconsiderable one is the way and extent to which army contractors profit by the needs of government. It may be that this in case of most contracts is necessarily true. Prices at such times are upset. Someone must take a real and great risk and a contractor cannot be expected to take it. It is proverbial that war profits from Government contracts are far beyond what in peace time would be deemed fair and reasonable.

I call attention again to the fact that in the case of the Bethlehem Shipbuilding contract—indeed, in the case of nearly all contracts for shipbuilding during the war—no risk whatever was taken by the contractor.

We pass along a little further in the opinion to the specific allegations with regard to this particular contract. This is what the court said in that connection:

This is a charge of actual fraud perpetuated by deception. The master has found against this charge of actual fraud and under all the evidence he could not have found otherwise. The managers for the contractor adopted the famous Rob Roy distinction who admitted he was a robber but proudly proclaimed that he was no thief. The contractor boldly and openly fixed the figures in the estimated cost so high as to give them the promise of large bonus profits. The managers for the Fleet Corporation knew that the estimate was high and why it was made high and so protested it. The reply of the contractor's managers was "we will take the contract with this promise of bonus profits incorporated in it but not otherwise. You take it or leave it." Whatever wrong there was in this, may have been the wrong in a daylight robbery but there was no element of deception in it.

Mr. President, I call attention to the fact that this was the Bethlehem Shipbuilding Co., whose head, Mr. Eugene Grace, admitted in a hearing before the Munitions Committee that during the 2 years of the war he had received personal bonuses in excess of three and a half million dollars; and yet he said he thought it was a criminal lack of patriotism for anybody to suggest paying the bonus to the soldiers who served the country during the war.

Mr. LEE. Mr. President—

Mr. CLARK. I yield to the Senator from Oklahoma.

Mr. LEE. He is the kind of patriot who offers the life of another for his country, is he not?

Mr. CLARK. That is true.

I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial from the Washington Daily News of June 4, 1938; and also an article from the Philadelphia Record of Saturday, June 4, of which I desire to read the headline. The headline reads: "Bethlehem called 'robber,' but wins huge war profits."

I should also like to have printed in the RECORD at this point as a part of my remarks an article from the Philadelphia Inquirer of June 4, 1938, headed "Bethlehem Steel granted war bonus despite 'squeeze.'"

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Record, Saturday, June 4, 1938]

BETHELEHEM CALLED "ROBBER" BUT WINS HUGE WAR PROFITS—JUDGE DISMISSES UNITED STATES SUIT FOR \$5,661,154; BRANDS OPERATIONS "UNHOLY"

Federal Judge Oliver B. Dickinson yesterday dismissed the Government's \$25,316,000 "extortionate war profits" suit against the Bethlehem Steel Corporation, and then called the company a "robber."

He awarded the company an unpaid balance of \$5,661,154 on 66 wartime ships Bethlehem built for the United States at a cost of \$122,000,000, and called the company's operations "unholy and sinful."

He based his decision on the fact that a contract is a contract. He pointed out that the Emergency Fleet Corporation, which contracted for the ships on behalf of the Government, went into the deal with eyes open knowing that the costs were inflated.

"SQUEEZED" GOVERNMENT

But the judge made it clear that he felt that the huge profits Bethlehem made on a "cost plus 10 percent" basis partook "of the nature of a racket" and that the company "squeezed" the Government during an emergency.

The case has been in the courts 12 years, and in throwing the suit out of court Judge Dickinson upheld the decision of William Clarke Mason, special master for the court, who ruled against the Government's claims in 1936.

Suit was instituted by the United States Maritime Commission, successor of the Emergency Fleet Corporation, on behalf of the Government.

TEN-PERCENT PROFIT ALLOWANCE

The plaintiff pointed out that on 31 contracts Bethlehem and five subsidiaries, which were also involved in the suit, contracted to build 66 tankers and cargo vessels.

Each of the contracts provided for a 10-percent profit on actual cost, plus 50 percent of the savings the companies could make between the estimated cost and the actual cost.

The Government paid \$19,654,856 of these "bonus" profits, but balked at paying another \$5,661,154, and instituted suit, not only to save itself the unpaid balance, but also to have the \$19,654,856 returned.

COST JACKED UP

When the companies claimed the unpaid balance, the Government attorneys countered with a charge that the corporations deliberately made the "estimated cost" so high that they were sure of enormous profits.

Judge Dickinson held that no fraud or deception was practiced; that the Emergency Fleet Corporation, while knowing the prices were inflated, had to give the contracts to Bethlehem because the ships were needed so badly for wartime purposes.

But Judge Dickinson scathingly denounced the companies: "As wartime is to other citizens a time of sacrifice, it seems unholy and sinful to make the calamity of the people a source of inordinate gain. However, we are dealing with a matter of contract and not sentiment, patriotic or otherwise."

CONDEMNNS PROFITEERS

Discussing profit gouging during wartime he observed:

"Perhaps the only remedy—aside from refraining from war—is to bear with the evil as uncontrollable," he observed.

The Bethlehem subsidiaries which were also defendants in the suit are the Union Iron Works Co., of San Francisco; Harlan & Hollingsworth Corporation, of Wilmington; Samuel L. Moore & Sons Corporation, of Elizabethport, N. J.; the Fore River Shipbuilding Co., of Fore River, Mass., and the Penn-Mary Steel Co., of Sparrows Point, Md.

The \$5,661,154 in "bonus profits" which the Government must pay the companies under yesterday's ruling will bear 2-percent interest from 1922.

THE SHERIFF WAS BALKED

Oliver Booth Dickinson has been a Democrat since the time back in '76 when he carried a torchlight for the Hayes-Tilden ticket. Four years ago the Delaware County Democrats considered him a good-enough new dealer to want him to quit the bench, brave the McClure machine, run for Congress. (He was only 77 then.) He was appointed to the Federal judiciary in '14 by Woodrow Wilson after being selected by then Attorney General James C. McReynolds on the recommendation of then Representative A. Mitchell Palmer. His first official act was to restrain a sheriff's sale of a middle-class home. There is a deep groove in the bridge of his nose, the result of years of wearing old-fashioned specs. A wisp of hair dangles over his forehead. His tie and the joint of his collar don't always meet.

[From the Philadelphia Inquirer, Saturday morning, June 4, 1938]

BETHELEHEM STEEL GRANTED WAR BONUS DESPITE "SQUEEZE"

The Bethlehem Steel Co. "squeezed" the Government to the extent of \$25,000,000 in extra profits during the World War, but the Government went into the deal with its eyes open and cannot recover the "extortionate profits" the Federal district court ruled here yesterday.

Judge Oliver B. Dickinson, declaring that the manner in which the profits were obtained "partook of the nature of a racket," nevertheless threw out the Government's suit against the steel company. "We are dealing with a matter of contract, and not of sentiment, patriotic or otherwise," he explained.

Involved in the suit, which was of several years' standing, were 13 contracts for 66 vessels, which cost the Government \$122,000,000. The Bethlehem Co. was paid \$19,654,856 in profits, under the "bonus" system, and put in a claim for \$5,661,154 more as still due. Judge Dickinson's order directed that the latter sum be paid.

The steel company's ability to collect the amount still due it depends on the willingness of Congress to pass a special appropriation covering the payment—a prospect considered remote in view of the New Deal's attitude toward "predatory corporations."

Each of the contracts provided for a 10-percent profit. In addition, however, the company was given 50-percent bonus on all the savings it could make between estimated cost and actual cost.

The company "took advantage" of the country's need for ships for war uses, Judge Dickinson wrote, "and openly fixed the figures in the estimated cost so high as to give promise of large bonus profits."

NO DECEPTION

Officials of the Emergency Fleet Corporation, on the other hand, "knew that the estimate was high and protested," the ruling said. They were told to "take it or leave it." There may have been daylight robbery in this, but there was no deception.

The company's officials, Dickinson went on, "adopted the famous Rob Roy distinction. Rob Roy admitted he was a robber but proudly proclaimed that he was no thief."

Judge Dickinson's decision upheld a ruling in favor of the company made 2 years ago by William Clarke Mason, special master for the court. Richardson Dilworth argued against the Government's contentions on behalf of the steel company.

Mr. CLARK. Mr. President, before I take my seat I desire to read the editorial from the Washington Daily News.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. CLARK. I yield.

Mr. HATCH. I am familiar with the editorial which the Senator is about to read. To my mind it is one of the most vigorous editorials ever written. I respectfully ask that order be maintained in the Senate while it is being read.

Mr. CLARK. Mr. President, the editorial is from the Washington Daily News of June 4, and is entitled "Bethlehem's Bids." It relates to the language of the District Court of Pennsylvania, to which I have just referred.

[From the Washington Daily News, Saturday, June 4, 1938]

BETHLEHEM'S BIDS

A Philadelphia judge yesterday threw out of court the Government's \$25,000,000 "extortionate war profits" suit against Bethlehem Steel.

At a time when ships were badly needed, the Government wanted 66 vessels built in Bethlehem's shipyards. Bethlehem refused to build them except under a contract providing what the Philadelphia judge described as "inflated" bonus profits. The Government protested. But the managers for Bethlehem replied: "Take it or leave it."

Said the judge yesterday:

"As wartime is to other citizens a time of sacrifice, it seems unholy and sinful to make of the calamity of the people a source of inordinate gain. However, we are dealing with a matter of contract and not sentiment, patriotic or otherwise."

"Whatever wrong there was in this may have been wrong in a daylight robbery, but there was no element of deception in it."

So, on the theory that the Government knew it was being robbed—

As the Government knows it is to be robbed in the construction of the ships to be laid down under the conference report which we agreed to the other day.

So—

Says the News—

on the theory that the Government knew it was being robbed, and submitted to the robbery because it had to have the ships, the suit was dismissed.

Bethlehem did its bit—at its own price.

Then there are a few asterisks—

Veterans—

Remember that dawn when the lieutenant said at zero hour, "All right boys, let's go." And how you said, "For so much I will. Take it or leave it."

War mothers—

Remember the day when President Wilson said, "America needs your sons." And how you said, "We'll not let them go unless you promise to return them unharmed. Take it or leave it."

Citizens—

Remember when Uncle Sam asked you to buy Liberty bonds. And how you said, "We'll buy them at 50 cents on the dollar. Take it or leave it."

Like hell.

Mr. BONE. Mr. President, yesterday I introduced into the RECORD as part of my remarks some observations by a number of Senators on Senate bill 3912. At this time, as a part of my remarks, I ask that a further statement by the Senator from North Dakota [Mr. NYE], a statement by the Senator from Missouri [Mr. CLARK], and a statement by Hon. MAURY MAVERICK, of the House of Representatives, be printed in the RECORD as a part of my remarks.

Let me say parenthetically that, if the war-tax bill, which is the subject matter of the statements of these Members of the Congress, should be adopted, never again in this country would any profiteering war outfit, such as the Bethlehem Steel Corporation, be permitted or allowed to tell this great country of ours to "go to hell."

The PRESIDENT pro tempore. Without objection, the statements presented by the Senator from Washington will be printed in the RECORD.

The statements referred to are as follows:

STATEMENT BY SENATOR GERALD P. NYE (NORTH DAKOTA), ON S. 3912, JUNE 16, 1938

One of the most unhappy pictures of the World War was the unconscionable and ruthless gouging of the people by profiteers. While the boys were dying in the trenches men were permitted to pile up vast fortunes at home.

I am wholly and completely in accord with the desire of the Veterans of Foreign Wars to see written into our statutes tax provisions such as are found in S. 3912. If this bill were enacted into law and war came, those who remained at home would have to share in small measure the sacrifices of the men in uniform. Everyone cannot fight, but at least they can pay out of increased wartime income a sum sufficient to eliminate the horrible financial burden that always follows a war. It is now almost generally conceded that the crushing war debt has been one of the most dangerous factors we have had to confront in an attempt to solve our economic problem.

I was happy to join in sponsoring S. 3912, and I feel that the Veterans of Foreign Wars is doing a noble service to the country in putting the strength of its organization behind this measure. That on short notice 27 Members of the United States Senate were happy to join in the introduction of the bill is an indication of the healthy sentiment in this country in favor of such legislation, because these Senators represented practically every shade of organized public opinion.

STATEMENT BY SENATOR BENNETT CHAMP CLARK

The record of profiteering during the World War is a national disgrace. The effective answer lies in taxation so drastic that a repetition of the offense will be impossible. That answer is found in the provisions of S. 3912, sponsored by 27 Members of the Senate and backed by the Veterans of Foreign Wars in their campaign to take the profit out of war. This measure contains none of the objectionable features of certain proposals before Congress which would subject the country to dictatorial control of industry during the war. It is a pure and simple tax measure under which it would be impossible for any man to enrich himself out of war profits. All such profits would be taken by taxation to pay for the war, and it is this "pay-as-you-fight principle" that makes the bill desirable. It is a complete answer to the almost universal demand that the profit be taken out of war. I am happy to have been one of the authors and sponsors of the bill.

STATEMENT BY MAURY MAVERICK, MEMBER OF CONGRESS

S. 3912, introduced by Senator BONE and others, and which I have introduced in the House as H. R. 9525, really takes the profits out of war. Ever since the last war we have been flourishing around about "taking the profits out of war."

For instance, a bill was reported out of the House Military Affairs Committee known as the May war-profits bill, and which took no profits out of war whatever. But this bill which I have mentioned, and which is backed by the Veterans of Foreign Wars and many other organizations, does the job.

My idea is that the sensible people of America—the ones who are not taken off their feet by high-sounding phrases—ought to band together and at the very first of the next session of Congress fight through this bill.

The PRESIDENT pro tempore. The question is on agreeing to the resolution (S. Res. 298), as modified.

The resolution, as modified, was agreed to.

MESSAGE FROM THE PRESIDENT—APPROVAL OF SENATE BILLS AND JOINT RESOLUTIONS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had signed and approved the following acts and joint resolutions:

On June 15, 1938:

- S. 821. An act for the relief of Lawson N. Dick;
- S. 865. An act for the relief of Alceo Govoni;
- S. 1220. An act for the relief of Josephine Russell;
- S. 1274. An act for the relief of John H. Owens;
- S. 1340. An act for the relief of A. D. Weikert;
- S. 1788. An act for the relief of William J. Schwarze;
- S. 2009. An act to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission;
- S. 2368. An act to provide funds for cooperation with school district No. 2, Mason County, State of Washington, in the construction of a public-school building to be available to both white and Indian children;
- S. 2409. An act for the relief of certain officers of the United States Navy and the United States Marine Corps;
- S. 2566. An act for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans.;
- S. 2770. An act for the relief of Elizabeth F. Quinn and Sarah Ferguson;
- S. 3002. An act for the relief of the holders of the unpaid notes and warrants of the Verde River Irrigation and Power District, Arizona;
- S. 3040. An act for the relief of Herman F. Krafft;
- S. 3111. An act for the relief of the estate of Lillie Liston and Mr. and Mrs. B. W. Trent;
- S. 3166. An act to amend section 2139 of the Revised Statutes, as amended;
- S. 3188. An act for the relief of the Ouachita National Bank of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.;
- S. 3215. An act for the relief of Griffith L. Owens;
- S. 3300. An act for the relief of Pearl Bundy;
- S. 3379. An act for the relief of Arthur T. Miller;
- S. 3410. An act for the relief of Miles A. Barclay;
- S. 3416. An act providing for the addition of certain lands to the Black Hills National Forest, in the State of Wyoming;
- S. 3417. An act for the relief of the State of Wyoming;
- S. 3758. An act for the relief of Emily Gertrude Toby;
- S. 3849. An act authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money;
- S. J. Res. 243. Joint resolution to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior; and
- S. J. Res. 264. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

On June 16, 1938:

- S. 546. An act for the relief of Annie Mary Wilmuth;
- S. 2413. An act for the relief of the Boston City Hospital, and others;
- S. 2553. An act for the relief of E. E. Tillett;
- S. 3597. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Natchez, Miss., and for other purposes;
- S. 3611. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa;

S. 3694. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Sigfried Speyer and Dr. Luther Fete;

S. 3836. An act relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938;

S. 3867. An act authorizing the North Dakota State Highway Department and the Department of Highways of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Red River;

S. 3898. An act to extend the times for commencing and completing the construction of a bridge across the Piscataqua River at or near Portsmouth, N. H.;

S. 3907. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 3990. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 4027. An act providing that excess-land provisions of Federal reclamation laws shall not apply to certain lands that will receive a supplemental water supply from the Colorado-Big Thompson project;

S. 4090. An act to provide for the care and treatment of juvenile delinquents;

S. 4144. An act to amend section 1 of an act entitled "An act granting the consent of Congress to the county of Pierce, a legal subdivision of the State of Washington, to construct, maintain, and operate a toll bridge across Puget Sound, State of Washington, at or near a point commonly known as The Narrows," and to extend the times for commencing and completing the construction of such bridge;

S. J. Res. 298. Joint resolution to create a joint congressional committee to investigate the adequacy and use of the phosphate resources of the United States; and

S. J. Res. 300. Joint resolution to create a temporary national economic committee.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that, beginning with Calendar No. 2221, the Senate proceed to the consideration of unobjectioned-to bills on the calendar from there on.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TYDINGS. There are on the desk a number of House messages returning Senate bills with House amendments about which there will be no dispute. I wonder if the Senator would object to those being considered so that we may get them out of the way.

Mr. BARKLEY. I do not object, but I should like to have the Senate proceed with the call of the calendar.

Mr. TYDINGS. It will take but a moment.

Mr. BARKLEY. I yield to the Senator from Maryland.

The VICE PRESIDENT. The Chair understands that the Senate is now to proceed with the call of the calendar.

Mr. BARKLEY. No; consent has not as yet been granted. The Senator from Maryland desires to have a matter laid before the Senate, to which I have no objection.

TEMPORARY NATIONAL ECONOMIC COMMITTEE

The VICE PRESIDENT. Will the Senator from Kentucky and the Senator from Maryland permit the Chair to make some appointments?

Mr. BARKLEY. I yield.

Mr. TYDINGS. Certainly.

The VICE PRESIDENT. The Chair makes the following appointments under the authority of Senate Joint Resolution 300, which the clerk will read.

The legislative clerk read as follows:

The Chair appoints the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Arizona [Mr. ASHURST], and the Senator from Idaho [Mr. BORAH] members on the part of the Senate of the

Temporary National Economic Committee, created by Senate Joint Resolution 300, approved June 16, 1938.

Mr. ASHURST. Mr. President, if I heard aright, my name was mentioned in connection with appointment to the National Economic Committee?

The VICE PRESIDENT. The Chair has appointed the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Arizona [Mr. ASHURST], and the Senator from Idaho [Mr. BORAH] as members of what is known as the Monopoly Committee, the joint resolution creating which has just been signed by the President.

Mr. ASHURST. Will the Vice President please accept assurances of my gratitude to him for this expression of his confidence in me; but, in view of my duties as chairman of the Senate Committee on the Judiciary, it is not conceivably within my energy, or within the energy of any other man, to serve as chairman of the Judiciary Committee and at the same time as a member of the Joint Economic Committee and to perform the work of that committee in the manner in which it should be performed. May I, therefore, presume to request the Vice President to relieve me from this appointment, which carries not only dignity and honor but much arduous work; and may I further be permitted to suggest that the Vice President appoint the ranking majority member of the Senate Committee on the Judiciary [Mr. KING] in my place and stead?

The VICE PRESIDENT. Does the Senator from Arizona resign from the committee and request the Chair to appoint the next ranking Member on the Judiciary Committee?

Mr. ASHURST. Yes; for the reasons just assigned, I wish not to shirk any task, but it is not conceivably within my energy or the energy of any other man to serve at one and the same time as chairman of the Senate Committee on the Judiciary and as a member of the joint committee. I therefore regretfully decline this exalted honor and opportunity and request that the ranking Democratic member of the Senate Committee on the Judiciary [Mr. KING] be appointed in my place.

The VICE PRESIDENT. In view of the request of the chairman of the Committee on the Judiciary, the Chair appoints the Senator from Utah [Mr. KING] to take his place on the joint committee.

JOINT COMMITTEE TO INVESTIGATE ADEQUACY AND USE OF PHOSPHATE RESOURCES OF UNITED STATES

The VICE PRESIDENT. The Chair appoints the Senator from Idaho [Mr. POPE], the Senator from Florida [Mr. PEPPER], and the Senator from Nebraska [Mr. NORRIS], members on the part of the Senate of the special joint congressional committee to investigate the adequacy and use of the phosphate resources of the United States, created under Senate Joint Resolution 298, approved June 16, 1938.

LEONARD GRABOSKI

Mr. TYDINGS. I ask the Chair to lay before the Senate the House amendment to Senate bill 3403.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3403) for the relief of Leonard Graboski, which was, on page 1, line 6, to strike out "said sum representing the amount" and insert "in full satisfaction and discharge."

Mr. TYDINGS. I move that the Senate concur in the House amendment.

The motion was agreed to.

ORDER FOR CONSIDERATION OF UNOBTAINED BILLS ON CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to consider bills to which there is no objection on the calendar, beginning with Calendar No. 2221, and that that program be subject to consideration of messages from the House that may come over while the call is in progress.

Mr. GEORGE. Mr. President, does the Senator also include any messages now on the table?

Mr. BARKLEY. Yes.

Mr. HATCH. Mr. President, does the Senator's request also include conference reports?

Mr. BARKLEY. All conference reports are privileged, anyway; it is not necessary to include them; but I will include them by asking unanimous consent that conference reports or messages from the House may be taken up and considered during the call of the calendar.

Mr. SHIPSTEAD. Mr. President, I could not hear the first part of the Senator's request.

Mr. BARKLEY. I asked unanimous consent that, beginning with Calendar No. 2221, the Senate proceed to consider bills on the calendar to which there is no objection.

Mr. SHIPSTEAD. Is that all?

Mr. BARKLEY. That is all for the time being.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I now make a further request that, after the completion of the call beginning with the calendar number I have indicated, the Senate then proceed to the call of the calendar at the beginning for the consideration of bills which have heretofore been called to which there will be no objection.

The PRESIDENT pro tempore. Is there objection?

Mr. BARKLEY. I make the requests in that order because I think that House bills that have come over and been placed on the calendar and have never been called on the call of the calendar should be given preference before other bills are considered.

Mr. HATCH. Mr. President, will the Senator yield before the request is put?

Mr. BARKLEY. I yield.

Mr. HATCH. Is the request broad enough to include action on a concurrent resolution? The reason I ask that question is that there is a conference report in which there is a typographical error which completely destroys the effect of the report, and it is planned to have the report approved and then a concurrent resolution adopted correcting the error.

Mr. BARKLEY. There will be no difficulty about that. Whether or not it is done during the call of the calendar, there will be time to do that. It is a technical error which nobody objects to having corrected.

Mr. HATCH. Very well.

The PRESIDENT pro tempore. Is there objection to the second request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

SALES AND EXCHANGES OF ISLANDS BY WISCONSIN

Mr. LA FOLLETTE. Mr. President, before the call of the calendar is begun, I should like to ask unanimous consent that the Committee on Public Lands and Surveys be discharged from the further consideration of a House joint resolution. I may say, in explanation, that prior to a previous call of the calendar the Committee on Public Lands and Surveys had reported an identical Senate resolution which I had submitted and which subsequently passed the Senate. It had in its possession at the time the House joint resolution. Therefore, I ask unanimous consent that the Committee on Public Lands and Surveys be discharged from the further consideration of House Joint Resolution 281 and that it may be considered at this time. I ask that it be stated for the information of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none and the Committee on Public Lands and Surveys is discharged from the further consideration of the joint resolution.

Is there objection to the request of the Senator from Wisconsin for the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 281) to authorize sales and exchanges by the State of Wisconsin notwithstanding certain provisions in the act of

August 22, 1912 (37 Stat. 324), was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That notwithstanding the restrictions and limitations in the act of August 22, 1912 (37 Stat. 324), entitled "An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes," the State of Wisconsin is hereby authorized to sell or exchange any of the islands granted to it by the said act of August 22, 1912, which are not valuable for forestry purposes, on condition that the proceeds from any such sale or that the land acquired by the State in any such exchange shall be devoted to State forestry purposes.

ASSESSMENT WORK ON MINING CLAIMS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3493) providing for the suspension of annual assessment work on mining claims held by location in the United States, which was, on page 1, line 9, after the word "States," to insert "including the Territory of Alaska."

Mr. JOHNSON of California. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 3525) to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government," approved July 13, 1937, which were, on page 2, line 11, to strike out "where it first", and insert "wherever it", and on page 2, line 12, to strike out all after "'seven'" down to and including "proviso" in line 20.

Mr. HAYDEN. At the request of the chairman of the Committee on Civil Service, the Senator from South Dakota [Mr. BULOW], I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CERTIFICATION OF DOCUMENTS OF VATICAN CITY

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 2811) to amend the Judicial Code by adding thereto a new section to be numbered 659 (1), relating to the certification, authentication, and use in evidence of documents of record or on file in public offices in the State of Vatican City, which were to strike out all after the enacting clause and insert:

That the act entitled "An act relating to the admissibility in evidence of certain writings and records made in the regular course of business," approved June 20, 1936, is amended by adding after section 6 thereof the following new section:

"Sec. 6A. Until the United States shall have consular officer resident in the State of the Vatican City, a copy of any document of record or on file in a public office of said State of the Vatican City, certified by the lawful custodian of such document, may be authenticated, as provided in section 6 of this act, by a consular officer of the United States resident in the city of Rome, Kingdom of Italy, and such document or record shall, when so certified and authenticated, be admissible in evidence in any court of the United States."

Amend the title so as to read: "An act to amend the act of June 20, 1936, so as to provide for the certification, authentication, and use in evidence of documents of record or on file in public offices in the State of the Vatican City."

Mr. JOHNSON of California. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REMILJO ORTIZ

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3921) for the relief of Remilio Ortiz, which were, on page 1, line 5, to strike out "\$500" and insert "\$150"; on page 2, line 5, after the name "Ortiz", to insert "of Nambe, N. Mex."; and on page 3, line 14, after the word "made", to insert a colon and "Provided further, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection

with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The PRESIDENT pro tempore. Without objection, the amendments of the House are concurred in.

KLAMATH GENERAL COUNCIL

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 3346) authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath Business Committee and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe, which was on page 2, line 19, to strike out "\$10,000" and insert "\$7,500."

Mr. McNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CONSTRUCTION OF CERTAIN PUBLIC WORKS

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 2338) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, which was, on page 3, to strike out lines 5 to 13, inclusive.

Mr. WALSH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REGULATION OF COMMERCE IN FIREARMS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3) to regulate commerce in firearms, which were, on page 1, line 8, after "Islands", to insert "but not including the Canal Zone"; on the same page, line 11, after "Islands", to insert "but not including the Canal Zone"; on page 2, line 6, to strike out "silencer" and insert "silencer, or any part or parts of such weapon"; on page 5, line 24, to strike out "Commerce" and insert "the Treasury"; on page 6, line 2, to strike out "\$100" and insert "\$25 per annum"; on the same page, line 2, after "\$1", to insert "per annum"; on the same page, line 4, to strike out "Commerce" and insert "the Treasury"; on the same page, line 13, to strike out "Commerce" and insert "the Treasury"; on the same page, line 18, to strike out "Commerce" and insert "the Treasury"; on the same page, line 21, to strike out "Commerce" and insert "the Treasury"; on page 7, line 1, to strike out "Commerce" and insert "the Treasury"; on the same page, line 17, to strike out "Commerce" and insert "the Treasury"; on the same page, line 19, to strike out "Commerce" and insert "the Treasury"; on the same page, line 22, after "pieces", to insert a colon and "Provided, That nothing herein contained shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competition"; and on page 8, line 7, to strike out "Commerce" and insert "the Treasury."

Mr. VANDENBERG. At the request of the Senator from New York, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENTS OF SECTIONS 4197 AND 4200, REVISED STATUTES

The PRESIDENT pro tempore laid before the Senate a joint resolution from the House of Representatives (H. J. Res. 723) to amend H. R. 10672, Seventy-fifth Congress, third session, entitled "An act to amend section 4197 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 91), and section 4200 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 92), and for other purposes, so as

to correct a typographical error, which was read twice by its title.

Mr. BAILEY. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

OLYMPIC NATIONAL PARK

Mr. HATCH. Mr. President, I send to the desk a conference report and ask for its adoption. Immediately after its adoption I desire to ask for the immediate consideration of a concurrent resolution to correct technical errors.

The PRESIDENT pro tempore. The report will be read. The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10024) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: "The President may after 8 months from the approval of this act by proclamation add to the Olympic National Park any lands within the boundaries of the Olympic National Forest, and any lands which may be acquired by the Government by gift or purchase, which he may deem it advisable to add to such park; and any lands so added to such park shall, upon their addition thereto, become subject to all laws and regulations applicable to other lands within such park: *Provided*, That the total area to be added to the said park shall not exceed 898,292 acres: *Provided further*, That before issuing any such proclamation, the President shall consult with the Governor of the State of Washington, the Secretary of the Interior, and the Secretary of Agriculture and advise them of the lands which he proposes to add to such park, and shall afford them a reasonable opportunity to consult with and communicate to him their views and recommendations with respect to the addition of such lands to such park."

ALVA B. ADAMS,
KEY PITTMAN,
CARL A. HATCH,
JOSEPH C. O'MAHONEY,

Managers on the part of the Senate.

RENÉ L. DEROUEN,
J. W. ROBINSON,
F. L. CRAWFORD,
HARRY ENGLEBREIGHT,
KNUTE HILL,

Managers on the part of the House.

The report was agreed to.

Mr. HATCH. Mr. President, I now send to the desk a concurrent resolution, and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 42) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Clerk of the House of Representatives be, and he is hereby authorized and directed, in the enrollment of the bill (H. R. 10024) to establish the Olympic National Park, in the State of Washington, and for other purposes, to make the following corrections, namely:

In Senate amendment No. 3, as agreed to by the conferees, strike out the words "to be added to" appearing in the first proviso reading as follows: "*Provided*, That the total area to be added to the said park shall not exceed 898,292 acres", and insert in lieu thereof the word "of", so that the first proviso shall read as follows: "*Provided*, That the total area of the said park shall not exceed 898,292 acres."

Mr. HATCH. Mr. President, this concurrent resolution for the correction of this technical error is so important that unless it is agreed to by the House it will be necessary later in the day to move to reconsider the vote by which the conference report was adopted.

I merely desire to have that statement appear in the RECORD.

DISPOSITION OF PERSONAL PROPERTY LEFT UPON PREMISES USED AS VETERANS' ADMINISTRATION FACILITIES

Mr. GEORGE. Mr. President, from the Committee on Finance I report back favorably, without amendment, the

bill (H. R. 10907) to provide for the vesting of title, and the disposition of personal property left or found upon premises used as Veterans' Administration facilities, and for other purposes, and ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The report will be received. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. GEORGE. I now ask to have inserted in the RECORD a letter from General Hines, Administrator of the Veterans' Administration, addressed to the Vice President, which fully explains the character of the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

VETERANS' ADMINISTRATION,
Washington, June 13, 1938.

The PRESIDENT OF THE SENATE,

The Capitol, Washington, D. C.

SIR: There is transmitted herewith a draft of a bill to provide for the vesting of title, and the disposition of personal property, left or found upon premises used as Veterans' Administration facilities, and for other purposes, with the request that it be referred to the appropriate committee of the United States Senate in order that it may be introduced and pressed for passage at an early date.

Briefly, the primary purpose of the bill is to secure legislation to facilitate the disposition of property left by deceased veterans on premises used as Veterans' Administration facilities and to eliminate certain difficulties, delays, and expenses now incurred in the disposition of such property.

Veterans' Administration facilities are located on premises owned by the United States and in many instances such premises are under the exclusive legislative jurisdiction of the United States. Difficulty in determining domicile is often encountered. Federal courts in the States are without probate jurisdiction. In some States there is doubt in some quarters as to the jurisdiction of the probate court as to property on Federal reservations.

In the absence of legislation the State law in effect at the date the United States acquired exclusive jurisdiction of the particular parcel of land controls. This is because of the rule that a change of sovereignty does not change private law in the ceded territory and such law in effect on the date of change remains in effect until the new sovereignty alters it by new legislation. The inconvenience resulting is apparent when it is considered that the land comprising the Federal reservations now in use was acquired at various periods of our history.

In some instances a veteran who is not a resident of the State in which the facility is located may desire to dispose of his property by will. A will drafted at the facility in accordance with the laws of the State where such facility is located may not meet the requirements as to the execution of wills under the laws of the State of his domicile. In such case his property may be delivered to someone not entitled to possession or disposition of the same may be greatly delayed.

In instances of death intestate the domicile may be unknown or disputed. Relatives of the deceased, however, insist upon possession of his property and some are resentful because of the delay and expense encountered in securing possession of such personal property. In many instances the value of the personal property is small and the expenses of administration are large.

Where property is unclaimed and the owner or, if deceased, his next of kin cannot be found, it is necessary to store such property. It is usually of small value. Such property may deteriorate with the passage of time and be of no value at the time the person or persons entitled to the same are found. In every instance there is involved the cost to the Government of storage and preservation of such property. Sale of such property would eliminate the cost of storage and loss by depreciation. However, at the present time there is no authority to make such sale. There is now in storage a considerable amount of such property. Its value is too small in most cases to cover costs of administration. It is believed that the proposed legislation will permit the Veterans' Administration more speedily and economically to effect disposition of such property and will also obviate many of such difficulties now encountered. Under its provisions the net proceeds of sales would be payable to the personal representative or the proper relatives if claimed within 5 years. Otherwise, the proceeds will remain in the "general post fund."

Section 1 (a) of the bill relates to the disposition of property by will. It purposely provides for the applicability of the will if probated either at the domicile or in the State wherein the reservation is situated. There may well be cases where a patient in a Federal institution makes a will valid at that place but invalid in the jurisdiction from whence he came, or the reverse. The facility at Alexandria, La., is a good example. A will valid in all the States except Louisiana may readily be invalid in Louisiana because of the different requirement there as to witnesses, the function of a notary, etc. A will might well be written for the

patient by a local citizen at the hospital shortly before the patient's death and it might not occur to him to inquire as to domicile. It is believed no harm can result from following the expressed wishes of the testator even though the technical requirements may not be fully complied with under the laws of a given State.

Section 1 (b) deals with disposition of the property of those who die intestate in Veterans' Administration facilities on Federal reservations. It excepts from its intestacy application any property to which the United States is entitled. This is to avoid the necessity of delivering to an administrator property to which the United States is the ultimate claimant.

Section 1 (c) authorizes delivery of the property in accordance with sections 1 (a) and 1 (b).

Sections 2 to 7, inclusive, deal with assets left or found on the premises of a soldier's home, a hospital, or a facility now under the jurisdiction of the Veterans' Administration, either of known or unknown ownership. These sections provide an expeditious method of transferring possession of property left or found on a facility to certain classes of relatives under varying circumstances as to the existence or nonexistence of administration and cover cases where a decedent left a will as well as those in which he did not and sale of unclaimed property and disposition of the proceeds thereof. The provisions are made applicable to property on hand at the date of enactment as well as that subsequently left or found in facilities. They apply to all property of the decedent which is on the reservation. Where these sections relate to possession only, they do not purport to determine the question of title. Stated differently, a situation similar to a bailment exists. The "bailor" authorizes the "bailee" (Veterans' Administration) to deliver possession at death to certain persons named by the "bailor" or by the statute. And it is to the interest of all parties that such right to deliver after death shall exist. It is somewhat similar to a power of attorney coupled with an interest.

Section 8 provides for the relinquishment of jurisdiction for the limited purposes stated therein, viz, administering on estates of decedents. The proviso in section 8 is to guard against any possible construction that the proposed act modifies, with respect to this subject matter, any existing law with reference to existing jurisdiction of the States on such premises. A somewhat analogous situation is reflected in several other statutes, e. g., death by wrongful act (16 U. S. C. 457), compensation laws (40 U. S. C. 290), gasoline taxes (23 U. S. C. 55a).

Section 9 defines the term "facility" as used in the proposed bill. The proposed legislation if enacted should not involve any ultimate cost to the Government, but, on the contrary, should lessen much of the administrative delay and some expense now incurred in disposition of personal property.

As to the other Government agencies having to do with "hospitalization or institutional admissions" there are existing statutes governing the disposition of personal property in their possession left by deceased persons. (See 10 U. S. C. 1584 (a), (b), and (c), relative to the effects of deceased persons in the Army; 34 U. S. C. 942, relative to the effects of Navy personnel; 24 U. S. C. 177, relative to deceased patients at St. Elizabeths Hospital; 46 U. S. C. 621-628, relative to deceased merchant seamen.) Regulations pursuant thereto have long been in effect. (See Army Regulation 600-550 (March 6, 1936), copy attached; see also Bureau Circular, No. 2, Bureau of Public Health, Treasury Department, as revised November 12, 1931, copy attached.) The problems confronting these other agencies are peculiar to those agencies, and presumably the present law is adequate for their purposes. Therefore it is believed unnecessary to draft the proposed legislation so as to make it applicable to any Government agency other than the Veterans' Administration. However, there is no law now applicable to the problems confronting the Veterans' Administration in this connection.

For the reasons above stated, it is hoped that the proposed legislation will be enacted as soon as practicable.

Advice has been received from the Acting Director, Bureau of the Budget, that there would be no objection by that office to the submission of this proposed bill to the Congress.

Respectfully,

FRANK T. HINES, Administrator.

THE CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement entered into at the request of the Senator from Kentucky [Mr. BARKLEY], the calendar will be called for the consideration of unobjected bills, beginning where the Senate left off at the last call of the calendar.

The first business on the calendar was the concurrent resolution (S. Con. Res. 36) to establish a joint congressional committee on the taxation of governmental securities and salaries.

Mr. BROWN of Michigan. Mr. President, I offer an amendment in the nature of a substitute for the concurrent resolution.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause of the concurrent resolution and in lieu thereof to insert the following:

That there is hereby established a special Committee on the Taxation of Governmental Securities and Salaries, to be appointed by the President of the Senate, which shall be composed of three Senators who are members of the Committee on Finance and three Senators who are members of the Committee on the Judiciary. The committee shall select a chairman from among its members. A vacancy in the committee shall not affect the power of the remaining members to execute its functions, and shall be filled in the same manner as the original appointment.

SEC. 2. It shall be the duty of the committee to make a thorough study and investigation with respect to the taxation, and the exemption from taxation, of (1) securities issued by or under the authority of the United States or the several States or political subdivisions thereof; (2) income derived from such securities; and (3) income received as compensation from the United States or from any State or political subdivision thereof. The committee shall report to the Senate the result of its study and investigation, together with such recommendations as it deems advisable, not later than March 1, 1939, at which time all authority conferred by this resolution shall expire.

SEC. 3. The committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act at such times and places, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems advisable. Subpoenas shall be issued under the signature of the chairman of the committee and shall be served by any person designated by him.

The expenses of the said investigation, which shall not exceed \$5,000, shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to request the use of the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government and of the Joint Committee on Internal Revenue Taxation.

Mr. HARRISON. Mr. President, all the Senator from Michigan seeks to do is to make this a Senate resolution instead of a concurrent resolution; is it not?

Mr. BROWN of Michigan. That is correct.

Mr. HARRISON. The resolution will carry the same language as the original concurrent resolution?

Mr. BROWN of Michigan. It is exactly the same in every particular, except that the committee is to be a Senate committee instead of a joint committee.

I move to strike out the resolving clause and insert in lieu thereof "Resolved", and to number the resolution "S. Res. 303."

The motion was agreed to.

The resolution (S. Res. 303) was agreed to.

NATIONAL CEMETERIES

The bill (S. 948) to provide for a national cemetery in every State was announced as next in order.

Mr. BONE. Mr. President, the House this morning passed a bill in identical language with this. I ask that the House bill be substituted for the Senate bill.

Mr. BARKLEY. Mr. President, I should like an explanation of the bill. Is it necessary to establish a national cemetery in every State?

Mr. BONE. It is not made necessary by the bill. The bill is merely an authorization for the Government to accept land. It does not compel any action. There is not a line of compulsion in the bill. That was thoroughly understood by the House Members when the bill was passed. It merely authorizes the Federal Government to accept a tract of land for a national cemetery.

Mr. BARKLEY. Is it for the burial of veterans?

Mr. BONE. The burial of veterans of the United States Army in any war.

Mr. KING. Who is to maintain the cemeteries?

Mr. BONE. The Government. House bill 6925 is an identical bill. I ask that it be substituted for the Senate bill.

The PRESIDENT pro tempore. The bill will be read by title.

The bill (H. R. 6925) to provide a national cemetery in every State was read twice by its title.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington?

There being no objection, the bill (H. R. 6925) was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 948 is indefinitely postponed.

AMENDMENT OF INLAND WATERWAYS CORPORATION ACT

The bill (S. 3107) to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended, authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation, to Pensacola, Fla., was announced as next in order.

Mr. KING. Mr. President, let us have an explanation of this bill.

Mr. ANDREWS. Mr. President, the committee reported favorably upon this bill. I can read a portion of the report which shows that that is the case.

The last part of the letter written by the Secretary of War says:

I see no reason why the proposed extension of operations to Pensacola, Fla., would do anything but offer to the territory in and about Pensacola the same opportunity for economical transportation as is afforded other sections of this country.

Therefore, if Congress desires such extension, and if the same restrictions are put upon the initiating of the service as are applied to "tributaries or connecting waterways of the Mississippi," I would be glad to initiate such service if the requirements of law are fulfilled. I therefore recommend the passage of this bill.

This report has been submitted to the President by the Acting Director of the Budget, who informs me as follows:

"Insofar as the financial program of the President is concerned, there was no objection to the submission to Congress of the proposed favorable report on S. 3107."

My understanding is that this bill requires no further financing. It merely extends to this portion of the waterway the same privileges that are extended to others under like conditions.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ANDREWS. I yield.

Mr. CLARK. The Senator, of course, is familiar with the fact that the theory upon which the Inland Waterways Corporation was established in the first place was that the Government should put in operation the barge lines for the purpose of demonstrating to private capital the feasibility of barge-line operation on the streams until such time as the field became occupied by private barge lines, when the Government lines should be withdrawn.

I am not familiar with the facts, and I am merely asking for information, but it has been suggested to me that there is already on the waterway covered by the pending bill an adequate private barge line. I ask the Senator from Florida whether or not that is true.

Mr. ANDREWS. My understanding is that there is not.

Mr. KING. Mr. President, many complaints have come to me about the so-called Inland Waterway Corporation, one that is operating boats on the Mississippi River. If this is the same corporation—

Mr. CLARK. It is the same corporation.

Mr. KING. I ask the Senator not to press the measure now. I shall feel constrained to object.

Mr. ANDREWS. Mr. President, I would like to get the bill through. We are now in the closing hours of the session. The Government will incur no expense, and it is very important to the people affected, who want to be treated just as the people are treated in other sections of the United States.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JAMES PHILIP COYLE

The bill (H. R. 10135) for the relief of James Philip Coyle was considered, ordered to a third reading, read the third time, and passed.

JAMES J. COYNE

The bill (H. R. 9731) for the relief of James J. Coyne was considered, ordered to a third reading, read the third time, and passed.

SUE VANRYN

The bill (H. R. 4996) for the relief of Sue VanRyn, Donald VanRyn, a minor, and the estate of Margaret Breseman, deceased, was considered, ordered to a third reading, read the third time, and passed.

CHARLES L. KEE

The bill (S. 3888) for the relief of Charles L. Kee was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles L. Kee, of Portsmouth, Va., the sum of \$9,000 in full satisfaction of his claim against the United States for damages arising out of the loss by officers of the United States Navy on June 26, 1920, at Hampton Roads, Va., of an aircraft-planted mine invented by said Charles L. Kee and constructed by him for demonstration.

MICHAEL J. MULDOWNEY

The bill (H. R. 9795) for the relief of Michael J. Muldowney was considered, ordered to a third reading, read the third time, and passed.

J. T. HERREN AND BILLIE HERREN, A MINOR

The bill (H. R. 9516) for the relief of J. T. Herren and Billie Herren, a minor, was considered, ordered to a third reading, read the third time, and passed.

ISABELLA HOOPER CARAWAY AND JAMES RANDOLPH HOOPER, A MINOR

The bill (H. R. 2646) for the relief of Isabella Hooper Caraway and James Randolph Hooper, a minor, was considered, ordered to a third reading, read the third time, and passed.

DUDLEY E. ESSARY

The bill (H. R. 3761) for the relief of Dudley E. Essary was considered, ordered to a third reading, read the third time, and passed.

CORRECTION OF ERRORS IN COURT DECISIONS

The Senate proceeded to consider the bill (H. R. 9171) directing the Court of Claims to reopen certain cases and to correct the errors therein, if any, by additional judgments against the United States, which had been reported from the Committee on Claims with amendments, on page 2, line 19, before the word "alleged", to strike out "rate of 3 percent per annum" and to insert "proper rate"; on page 3, line 15, after the words "at the", to strike out "rate of 3 percent per annum" and to insert "proper rate", so as to make the bill read:

Be it enacted, etc., That the Court of Claims of the United States be, and it is hereby, authorized and directed to reopen the following just-compensation cases on its docket, heretofore disposed of by said court, to wit: Willard R. Cook & Co., Inc., against United States (No. 33984); A. E. Krise, receiver of the Fidelity Land & Investment Corporation (formerly Fidelity Land & Investment Corporation) against United States (No. 33988); Pine Beach Hotel Corporation (now represented by Charles H. Consolvo and A. E. Campe, its receivers) and others against United States (No. 34049); Harry L. Lowenberg and others against United States (No. 34727); Norfolk-Hampton Roads Co. against United States (No. 34751) (all of Norfolk, Va.); William G. Maupin, Jr., and others (now represented by George W. Maupin, as administrator and in his own right, E. Griffith Maupin, S. Dawson Maupin, Allene Maupin, and Ruth Maupin, all of Portsmouth, Va.) docket No. 34681; and to ascertain and determine from the special findings of fact as therein made and recorded by said court, and with due regard to the requirements of the act applicable thereto under which such properties were taken and the fifth amendment to the Constitution of the United States, as defined by the Supreme Court in the case of *Seaboard Air Line Railway v. United States* (261 U. S. 299), and other like cases, the amount of just compensation by way of interest, if any, at the proper rate alleged to be due and owing by the United States to the parties

plaintiff from the date of taking to the time of the payment to them of the original judgments in each of said cases for their lands situate at Hampton Roads, Va., and taken for public use by the United States on June 28, 1917, by authority of the act of Congress of June 15, 1917 (ch. 29, 40 Stat. 207-208), and taken for public use by the United States on September 20, 1918, by authority of acts of Congress of May 16, 1918 (40 Stat. 550-551), and June 4, 1918 (40 Stat. 595), and an Executive order of the President dated June 18, 1918.

SEC. 2. If said court in such determination from the record in said cases shall find that it failed to include in its judgment in said cases the item of interest at a proper rate, or the equivalent thereof, as an element or part of just compensation then due said parties plaintiff for their said property, then it shall have jurisdiction to correct the same and adjudge to said parties plaintiff and against the United States in each of the above-specified cases such additional sum of money as may be determined by the court under section 1 of this act, with interest thereon at the proper rate from the date of payment of the several judgments therein, until March 5, 1925, irrespective of any delay upon the part of the executive departments to see that just compensation is accorded to said landowners in respect of the premises, or any existing statute of limitation, or any other law to the contrary notwithstanding, except that either party litigant shall have the right to petition the Supreme Court of the United States for a writ of certiorari, as in other cases in the Court of Claims.

SEC. 3. The said court shall promptly proceed in said causes, each and all, upon motions filed therein by the parties plaintiff with the clerk of said court, if so filed within 4 months after the date of the approval of this act.

The amendments were agreed to.

Mr. KING. I should like to have an explanation.

Mr. BYRD. Mr. President, this is a bill identical with one which passed last year. It provides for paying interest on property in the Norfolk section of Virginia commandeered by the Government at the time of the war.

On account of the decision of the Supreme Court in the case of United States against Klamath and others, the bill last year suffered a veto by the President. The Attorney General wrote the committee directing attention to the decision of the Supreme Court whereby interest was to be paid from the date the property was commandeered until 1925. The bill was very carefully considered by a subcommittee of which the Senator from Kentucky [Mr. LOGAN] was the chairman.

The PRESIDENT pro tempore. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POMPEO ERCOLANO

The bill (H. R. 4691) for the relief of Pompeo Ercolano was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE OF BONDS BY THE COUNTY OF KAUAI

The bill (H. R. 10835) to authorize the county of Kauai to issue bonds of such county in the year 1938 under the authority of Act 186 of the Session Laws of Hawaii, 1937, in excess of 1 percent of the assessed value of the property in said county as shown by the last assessment for taxation, was considered, ordered to a third reading, read the third time, and passed.

ISAAC FRIEDLANDER

The bill (H. R. 10339) for the relief of Isaac Friedlander was considered, ordered to a third reading, read the third time, and passed.

VICTOR H. TODARO

The bill (H. R. 9859) for the relief of Victor H. Todaro was considered, ordered to a third reading, read the third time, and passed.

PENSION TO GRIZELDA HULL HOBSON

The Senate proceeded to consider the bill (S. 2822) granting a pension to Grizelda Hull Hobson, which had been reported from the Committee on Pensions with an amendment, on page 1, line 8, after "per month", to insert "in lieu of that she is now receiving", so as to make the bill read:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grizelda Hull Hobson, widow of Admiral Richmond Pearson Hobson, United States Navy, and pay her a pension at the rate of \$100 per month in lieu of that she is now receiving.

Mr. MINTON. Let the bill go over.

Mr. MCGILL. Mr. President, will not the Senator withhold his objection a moment?

Mr. MINTON. I withhold the objection.

Mr. MCGILL. The Senator from Alabama [Mr. HILL] is very much interested in this measure, and it should receive consideration at the hands of the Senate.

Mr. SHEPPARD. Mr. President, the widow of Admiral Hobson, one of the greatest heroes this Nation ever had, is in sadly straitened circumstances. It is a reflection on this Nation that it permits such a situation to exist. The bill provides for an increase in her pension. I certainly hope no objection will be raised.

Mr. MCGILL. Mr. President, I should like to make a short explanation. The beneficiary under the bill is the widow of Rear Admiral Richmond Pearson Hobson, who as a captain in the United States Navy during the Spanish-American War performed one of the greatest acts of heroism known to the history of this or any other country. Rear Admiral Hobson has been dead for a short time and his widow draws the average pension of the widow of a Spanish-American War veteran. Naturally, by virtue of her position, she is at much more expense in living than most of the widows of Spanish-American War veterans. In addition to her pension, she has but a very small income, making her total income but \$60 or \$70 per month. If the bill should be passed, her pension would be increased to \$100 per month.

There are now on the pension rolls 14 widows of men who have held official positions in the Army or the Navy, most of whom are drawing higher rates of pension than is provided in the bill.

Mr. President, I think the country owes it to the widow of Rear Admiral Hobson to see to it that she is at least reasonably provided for.

Mr. HILL. Mr. President—

Mr. MINTON. I withdraw the objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Grizelda Hull Hobson."

RAINY RIVER BRIDGE, MINNESOTA

The bill (S. 4147) authorizing the village of Baudette, Minn., its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn., was announced as next in order.

Mr. SHIPSTEAD. Mr. President, the House has passed a measure identical with this bill. I ask that it be substituted for the Senate bill and be now considered.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House, which will be read.

The bill (H. R. 10777) authorizing the village of Baudette, Minn., its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn., was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes the village of Baudette, Minn., its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rainy River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation at Baudette, Minn., in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Canada.

There is hereby conferred upon the village of Baudette, Minn., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Minnesota, needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Minnesota upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purpose in such State.

That the said village of Baudette, Minn., its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Canada applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the village of Baudette, Minn., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 4147 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3332) to provide for recognizing the services rendered by civilian officers and employees in the construction and establishment of the Panama Canal and the Canal Zone, was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of this bill. In the absence of an explanation, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

INSPECTION OF MEAT

The Senate proceeded to consider the bill (H. R. 8047) to amend the Meat Inspection Act of March 4, 1907, as amended and extended with respect to its application to farmers, retail butchers, and retail dealers, which was read, as follows:

Be it enacted, etc., That the Meat Inspection Act of March 4, 1907, as amended and extended, is amended by substituting for the concluding paragraph thereof the following:

"That within the meaning of this Act—

"(a) A 'farmer' means any person or partnership chiefly engaged in producing agricultural products on whose farm the number of cattle, calves, sheep, lambs, swine, or goats is in keeping with the size of the farm or with the volume or character of the agricultural products produced thereon, but does not mean any person or partnership engaged in producing agricultural products who—

"(1) actively engages in buying or trading in cattle, calves, sheep, lambs, swine, or goats; or

"(2) actively engages, directly or indirectly, in conducting a business which includes the slaughter of cattle, calves, sheep, lambs, swine, or goats for food purposes; or

"(3) actively engages, directly or indirectly, in buying or selling meat or meat food products other than those prepared by any farmer on the farm; or

"(4) actively engages, directly or indirectly, in salting, curing, or canning meat, or in preparing sausage, lard, or other meat food products; or

"(5) slaughters, or permits any person to slaughter, on his or their farm cattle, calves, sheep, lambs, swine, or goats which are not actually owned by him or them.

"(b) A 'retail butcher' means any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only, except that the Secretary of Agriculture, at his discretion, may permit any retail butcher to transport in interstate or foreign commerce to consumers and meat retailers in any 1 week not more than 5 carcasses of cattle, 25 carcasses of calves, 20 carcasses of sheep, 25 carcasses of lamb, 10 carcasses of swine, 20 carcasses of goats, or 25 carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products, and which have not been inspected, examined, and marked as 'In-

spected and Passed' in accordance with the terms of the Meat Inspection Act of March 4, 1907, and acts supplemental thereto, and with the rules and regulations prescribed by the Secretary of Agriculture.

"(c) A 'retail dealer' means any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only except that the Secretary of Agriculture, at his discretion, may permit any retail dealer to transport in interstate trade or foreign commerce to consumers and meat retailers in any 1 week not more than 5 carcasses of cattle, 25 carcasses of calves, 20 carcasses of sheep, 25 carcasses of lambs, 10 carcasses of swine, 20 carcasses of goat, or 25 carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products which have not been inspected, examined, and marked as 'Inspected and Passed' in accordance with the terms of the Meat Inspection Act of March 4, 1907, and acts supplemental thereto, and with the rules and regulations prescribed by the Secretary of Agriculture.

"That the provisions of the Meat Inspection Act of March 4, 1907, requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported in interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That all meat and meat food products derived from animals slaughtered by any farmer on the farm which are salted, cured, canned, or prepared into sausage, lard, or other meat food products at any place other than by the farmer on the farm upon which the animals were slaughtered shall not be transported in interstate or foreign commerce under the farmers' exemption herein provided, and all fresh meat and all farm-cured or prepared meat and meat food products derived from animals slaughtered by any farmer on the farm which are to be used in interstate or foreign commerce shall be clearly marked with the name and address of the farmer on whose farm the animals were slaughtered: *Provided further*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 1 year, or by both such fine and imprisonment: *And provided further*, That the Secretary of Agriculture is authorized to maintain the inspection in this act provided for at any slaughtering, meat canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this act shall apply notwithstanding this exception."

Mr. KING. Mr. President, has this bill the approval of the Department?

Mr. LA FOLLETTE. It has the approval of the Department. It does not apply to farmers and it does not affect buyers of live meat. What is sought to be prevented, or supervised, is the purchase of very young calves and their slaughter without inspection, and the meat then being shipped into consuming centers.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

EMMOND WOLFER

The bill (H. R. 9135) for the relief of Emons Wolfer was considered, ordered to a third reading, read the third time, and passed.

JOSEPH WEBBE

The bill (H. R. 9012) for the relief of Joseph Webbe was considered, ordered to a third reading, read the third time, and passed.

WILLIAM MONROE

The bill (H. R. 9133) for the relief of William Monroe was considered, ordered to a third reading, read the third time, and passed.

CELIA KOEHLER

The bill (H. R. 9132) for the relief of Celia Koehler was considered, ordered to a third reading, read the third time, and passed.

CHARLOTTE E. HUNTER

The bill (S. 1404) for the relief of Charlotte E. Hunter was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of the act entitled "An act for the retirement of public-school teachers in the District of Columbia", approved January 15, 1920, as amended, the Commissioners of the District of Columbia are hereby authorized and directed to place on the retirement list of teachers retired under the provisions of such act the name of Charlotte E. Hunter, formerly a teacher in the public schools of the District of Columbia, and to pay, out of the fund established by such act, to the said Charlotte E. Hunter an annuity computed as provided in such act, as amended; and the said Charlotte E. Hunter shall be accredited with and entitled to count, for such purposes, in addition to all other periods of service to which she may be lawfully entitled, the period of her employment as such school teacher from February 5, 1895, to April 12, 1919, both dates inclusive. Payment of such annuity shall begin from the date of enactment of this act.

BILL PASSED OVER

The bill (H. R. 8678) for the relief of Albert Saint Clair was announced as next in order.

Mr. REYNOLDS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL ECONOMIC COUNCIL

The Senate proceeded to consider the resolution (S. Res. 281) increasing the limit of expenditures for investigation of the desirability of establishing a National Economic Council, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with amendments, on page 1, line 4, after the word "authorized", to strike out "in pursuance of" and to insert "in order to complete"; on line 6, after the word "Senate", to strike out "\$10,000" and to insert "\$5,000"; and on line 7, after the word "purpose" and the period, to insert "The committee shall make a final report on or before June 30, 1939", so as to make the resolution read:

Resolved, That the Committee on Manufactures, authorized by Senate Resolution 114, Seventy-fourth Congress, to investigate the desirability of establishing a National Economic Council hereby is authorized in order to complete such investigation, to expend from the contingent fund of the Senate \$5,000 in addition to the amounts heretofore authorized for such purpose. The committee shall make a final report on or before June 30, 1939.

The amendments were agreed to.

The resolution as amended was agreed to.

INVESTIGATION OF LOBBYING ACTIVITIES

The Senate proceeded to consider the resolution (S. Res. 279) increasing the limit of expenditures of the Special Committee for the Investigation of Lobbying Activities, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 1, line 4, after the words "increased by", to strike out "\$25,000" and to insert "\$12,500", so as to make the resolution read:

Resolved, That the limit of expenditures for the special committee of the Senate, appointed pursuant to Senate Resolution 165, Seventy-fourth Congress, as amended and supplemented, to investigate lobbying activities, is hereby increased by \$12,500.

Mr. BURKE. Let the resolution go over.

Mr. MINTON. Mr. President, I give notice that I shall later make a motion to call this resolution up.

The PRESIDENT pro tempore. Objection is heard, and the resolution will be passed over.

USE OF RELIEF FUNDS FOR POLITICAL PURPOSES

The Senate proceeded to consider the resolution (S. Res. 290) providing for an investigation of the alleged use of relief and work-relief funds for political purposes, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, to strike out all after the resolving clause and to insert:

Resolved, That the special committee authorized to be appointed by Senate Resolution 283 of the Seventy-fifth Congress, agreed to May 27, 1938, is hereby directed to make, in addition to any investigations which it is directed to make by such resolution, a specific investigation with respect to whether or not any funds appropriated by the Congress (whether for expenditure by any department, independent agency, or instrumentality of the United States, or by any State or political subdivision of a State or instrumen-

ality of any State or political subdivision thereof) have been spent or are being spent in such a manner as to influence votes cast or to be cast in any primary, convention, or election held in 1938 at which a candidate for Senator is to be nominated or elected. Such specific investigation shall be made in the same manner as the other investigations made pursuant to such resolution are made, and in making such specific investigation the committee and any subcommittee thereof shall have all powers conferred upon them by such resolution. The expenses of such special investigation, for which a sum of not to exceed \$10,000 is authorized to be expended in addition to the sum authorized to be expended under such resolution, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

Mr. McNARY. Mr. President, I commend the committee for attempting to overcome the error they made when they defeated the Hatch and Austin amendments. Subsequently thereto it seems that the Senator from Maryland [Mr. Tydings] offered a resolution for the appointment of a special committee. I think the Senator from Kentucky also offered a resolution.

It now appears, Mr. President, that the resolution, under the order we are now considering, is an amendment of a resolution we passed heretofore, dealing with campaign expenditures. That is my understanding. It adds some additional responsibilities, and carries the small additional amount of \$10,000.

Mr. President, the resolution has the same vice which other resolutions providing for investigation of campaign expenditures have had in that the report is not to be made until after the election in November. Consequently, the investigation would have no effect by way of improving the moral conditions surrounding the election or the attitude of those expending the money for the relief work. The resolution seems to be a sort of a painless and pointless one, but it is better than nothing, because it is an attempt on the part of some to retrieve the losses which were suffered when the Hatch and Austin amendments were defeated.

Mr. President, of course, as a practical proposition I intend to support the resolution. I think that \$10,000, to be used for this particular purpose, is an insignificant amount when we consider what might be required of the committee in the way of work necessary to make a thorough investigation of expenditures by those agencies of Government dealing with work relief and relief. I am looking to see if I can locate the Senator from South Carolina [Mr. BYRNES]. I think I heard him state on another occasion that he intended to ask for an increase in this sum of money.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. The \$10,000 is in addition to the \$30,000 carried in the original resolution which I introduced and which was passed by the Senate some 2 weeks or more ago. It has been my belief, and it was my belief at the time I introduced the Senate resolution, that the committee set up in that resolution had ample authority to investigate all the matters contained in the resolution. I had that very situation in mind in connection with the language of the resolution, which was similar to a resolution passed 2 years ago providing for the same purpose. Senate Resolution No. 290, introduced by the Senator from Maryland [Mr. Tydings], and other Senators, asked for only a \$10,000 appropriation for a special committee.

It has been felt by the Committee to Audit and Control the Contingent Expenses of the Senate, and I think by other Senators—and I include myself—that it was unwise to have two committees making the same investigation, covering the same field at the same time. But inasmuch as the other committee had already been appointed, with what I thought was ample authority to do the very things set out in the subsequent resolution, it seemed to me that the sensible thing to do, if there was any need of broadening the resolution, was to broaden it by an amendment such as has been brought in by the committee, rather than have two separate committees occupying the same field at the same time.

I will say that one of the reasons why I objected to the Hatch resolution, as I said at the time it was being considered, was that it attempted to deal with one group of those who might be on the pay roll of the Government, and that, the most unfortunate group, many of whom are on the pay roll of the Government not because of any desire on their part, but because of necessity for earning a living.

The amendment of the committee broadens the scope of the resolution which I offered, and which was adopted, so as to cover not only all those who are employed by the Government directly, but all those employed by any State, or subdivision of the State, from funds supplied by the Government of the United States. I think that that is a commendable broadening of the scope of the activities of this committee, because as I said on the former occasion, I see no reason why one group of Federal employees paid out of the Treasury of the United States should be treated in a different manner from other groups paid in whole or in part out of the Treasury of the United States.

While I believed and still believe that the amendment which was reported by the Committee to Audit and Control the Contingent Expenses of the Senate is technically unnecessary, it certainly does clear up the authority of this committee, so that it is without any doubt authorized to investigate all the matters set forth in the resolution offered by the Senator from Maryland and other Senators.

I have no doubt that the committee will proceed promptly in the performance of its duties, without partiality or without favor and I believe, after consulting the Senator from South Carolina and other Senators who have already been appointed members of the committee, that the \$40,000, which will be available—that is, the original \$30,000 and the \$10,000 provided by the amendment—will be ample for the committee to discharge its duties. If it is not ample, I, of course, would be perfectly agreeable to an increase in the amount.

Mr. McNARY. Mr. President, I am not urging that there should be two independent committees or agencies to consider campaign expenditures and the vices which have been alleged to occur in connection with the expenditure and distribution of relief funds. I think it is well to focus them in one committee, if we are to treat them from a committee standpoint.

My fundamental objection is that we should have made a statutory declaration against the use of money in politics. That would be a greater and stronger move against abuse than could be made by an investigation conducted by a committee, which, unfortunately, will not report until after the election in November.

Mr. HATCH. Mr. President, will the Senator from Oregon yield?

Mr. McNARY. I yield.

Mr. HATCH. I merely want to observe that, of course, I am quite in accord with what the Senator from Oregon has said. I wanted a statutory declaration. But if we cannot get that, I am anxious to get whatever we can. I am particularly anxious to see the appropriation increased, and the Senator from Wyoming [Mr. O'MAHONEY] who has just come onto the Senate floor, is going to offer an amendment to increase the amount of the appropriation. I hope that amendment will prevail.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McNARY. I shall yield in a moment. Mr. President, I share the views of the able Senator from New Mexico, and I shall support the resolution. I simply tried to make it plain that I favored the other course. I thought it was a better manner in which to perform the work than the course we are now pursuing, but what is now proposed to be done is better than nothing.

I do not think the \$10,000 is adequate to do the work. Every year we pass a resolution carrying about \$30,000, and I remember in one instance, \$50,000, to investigate campaign expenditures. Now only \$10,000 is being allowed to a committee for this purpose, although the work adds addi-

tional difficulty and responsibility. I think the committee should have at least \$25,000. I intend to make that proposal, but before I do so I shall yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I asked the Senator to yield in order that I might say that I was absent from the Chamber when the resolution was reached on the calendar. It has been my intention from the time that the amendment reported by the committee was presented to the Senate to make a motion to increase the sum available from \$10,000 to \$50,000, and when the opportunity presents itself to me I shall make that motion.

Mr. McNARY. I shall yield for that purpose now. Otherwise I shall make a motion.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate adds to the sum already available the amount set out in the resolution offered by the Senator from Maryland and other Senators, which would make the combined amount \$40,000. If the Senator moves to amend it by providing for \$50,000 additional, and that amendment should be agreed to, it would make the total amount \$80,000.

Mr. O'MAHONEY. That is correct.

Mr. BARKLEY. I have no objection to any amount that may be absolutely necessary, and I assume that the committee would not expend more than is necessary to be expended in order to ascertain the facts.

Mr. O'MAHONEY. So far as I am concerned, I hope that will be the policy of the committee, and I am sure it will be.

Mr. BARKLEY. I, myself, have no objection to the addition of \$50,000, or any amount that may be necessary in order to enable the committee to go into this matter as it should be gone into, and to cover the whole scope and the whole field outlined in the amendment to the resolution which I introduced, and which was adopted a couple of weeks ago.

Mr. McNARY. The suggestion is made that \$50,000 be added—

Mr. O'MAHONEY. Mr. President, I understood the Senator yielded to me in order that I might make a motion.

Mr. McNARY. Before that I want to make a statement. The language of the resolution on page 3 is:

The expense of such special investigation—

That is what it is called—

for which a sum not to exceed \$10,000 is authorized to be expended.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. O'MAHONEY. My purpose is to move, and I do now move, that the amendment which has been reported by the Committee to Audit and Control the Contingent Expenses of the Senate be amended by striking out, on page 3, in line 17, the figures "\$10,000" and inserting in lieu thereof the figures "\$50,000."

The purpose of the amendment is to provide that the committee, under Senate Resolution No. 283, in addition to the \$30,000 already authorized, shall have the \$50,000 authorized by the proposed amendment.

Mr. LEWIS. Mr. President—

Mr. McNARY. I yield to the Senator from Illinois.

Mr. LEWIS. Is there any proposal as to the procedure of the investigation? What is being submitted to indicate the method of the investigation?

Mr. McNARY. The committee has been appointed. The resolution has been adopted, providing that the committee may subpoena witnesses, employ counsel, and generally make an investigation, and report to the Congress at its next session. The procedure is no different from the procedure followed in all investigations made by special and general committees.

Mr. O'MAHONEY. Mr. President—

Mr. McNARY. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. May I suggest to the Senator that the answer to the inquiry of the Senator from Illinois is to be found in the sentence beginning on page 3, in line 11:

Such specific investigation shall be made in the same manner as the other investigations made pursuant to such resolution are made, and in making the specific investigation the committee, and any subcommittee thereof, shall have all the powers conferred upon them by such resolution.

Mr. LEWIS. There is nothing, then, being addressed to any specific accusation at this particular time, or addressed to any particular locality?

Mr. O'MAHONEY. Nothing whatever.

Mr. McNARY. As I stated a moment ago, the resolution is in the usual form applicable to all committees, as indicated in the language read by the Senator from Wyoming.

Mr. BARKLEY. Mr. President—

Mr. McNARY. I yield to the Senator from Kentucky.

Mr. BARKLEY. As the Senator may recall, a few weeks ago I submitted a resolution providing for a special committee to investigate expenditures in connection with senatorial campaigns, not only in general elections, but in primaries, conventions, or otherwise. The resolution not only included an investigation of the expenditure of money from sources which are usually not public, but it provided for an investigation of the expenditure of public money of any kind.

I thought that resolution was sufficiently broad to cover Federal money, State money, city money, or any other public funds. The committee is authorized to investigate promises of appointments and positions of any public nature, and patronage of all sorts. The resolution is very broad. The present amendment is an amendment to that resolution, which has already been adopted, and under which a committee has already been set up. The amendment broadens the authority, if needed, and increases the amount available, so that the committee may investigate not only the W. P. A., but may investigate also the P. W. A., the C. C. C., the Agricultural Adjustment Administration, the Farm Credit Administration, or any other Federal activity.

Also, it may investigate the use of money contributed by the Federal Government to help finance any activity within a State, such as a highway commission, the Social Security Board, old-age pensions, unemployment insurance, and every other activity, whether carried on directly by the Federal Government, or indirectly through States to which the Federal Government makes contributions.

Mr. LEWIS. May I ask the able leader whether or not the resolution contemplates the examination by the committee of the whole subject, previous to the election in November of this year?

Mr. BARKLEY. It does. It includes an investigation not only previous to election, but following the election. If the committee finds that in the election, in the primary, or in a convention, or in the November election, there is reason to believe that there has been improper expenditure of money, or use of money for the purpose of controlling or influencing an election, the committee has power to proceed, after the election is over, to ascertain the facts. That is one reason why, as heretofore, the committee has been authorized to make its report at the next session of Congress. The Senator may recall a previous instance in which the committee did proceed after the election to gather facts pertaining to the election, which had a very vital effect upon the course of the Senate in determining the eligibility of Members to seats in the Senate.

Mr. McNARY. Mr. President, there is no doubt the committee could start to work immediately. However, the objection I have to the proposal is that the report is not to be made until the next session of Congress. Therefore, it is an inquest rather than an inquiry, and for that reason has no strength.

Mr. HATCH. Mr. President—

Mr. McNARY. I yield to the Senator.

Mr. HATCH. I desire merely to make an observation

with respect to the amendment offered by the Senator from Wyoming. The observation I desire to make is that if the committee is to be charged with this duty and this responsibility, the committee should not be limited as to funds. It does not make any difference whether the cost is \$10,000 or \$50,000. The Senate can well afford to authorize whatever sum may be necessary; and the amount suggested by the Senator from Wyoming, a member of the committee, is his estimate as to what would be required. The Senate certainly should adopt the amendment offered by the Senator from Wyoming, and not send out one of its own committees with insufficient funds.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. McNARY. I yield.

Mr. BARKLEY. I think that the fund, whatever the total amount is, ought to be an amalgamated fund. Heretofore, \$30,000 has been allocated to the special committee for the broad purposes set out in Senate Resolution 283. It seems to me that the language of the amendment sets up a special fund for a particular investigation. I think that the whole amount, the \$50,000 and the \$30,000, ought to constitute a fund of \$80,000, with which the committee may perform all its duties under the resolution as amended.

Mr. HATCH. Mr. President—

Mr. McNARY. I yield to the Senator from New Mexico.

Mr. HATCH. I wish to say that my understanding is that the situation would be as described by the Senator from Kentucky. The Senator from Kentucky and I have had some exchanges on the floor about this subject. I was particularly happy to hear what he had to say today about the investigation of the entire subject matter, and especially with respect to funds which are appropriated by the Federal Government and turned over to the States, to be expended by State authority.

Personally, Mr. President, I resent a certain letter which was sent to Members of the United States Senate, charging our floor leader with misuse of Federal funds, when I know in my own mind that the man who sent the letter was using Federal funds, through the instrumentalities of State organizations, to defeat the Democratic floor leader. I resented that letter very much, Mr. President, and I am glad to see the floor leader take the stand he has taken today on the resolution.

I hope the amendment of the Senator from Wyoming will be agreed to.

Mr. BYRNES. Mr. President—

Mr. McNARY. Mr. President, have I lost the floor?

The PRESIDING OFFICER. The Chair assumed that the Senator had finished.

Mr. BYRNES. I am glad to yield to the Senator. I desire recognition in my own right.

The PRESIDING OFFICER. The Senator will be recognized in his own right.

Mr. McNARY. Mr. President, as I stated a moment ago, and as stated by the leader on the Democratic side, the fund referred to is a special fund. As I understand the amendment offered by the Senator from Wyoming, it adds \$40,000 as a special fund, making \$50,000 for a specific purpose.

Mr. O'MAHONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. McNARY. I yield.

Mr. O'MAHONEY. It was my understanding that the appropriation provided in the resolution, whatever it might be, together with the appropriation made under Senate resolution 283, would be one single, amalgamated fund. However, since the Senator has taken the floor, having read the amendment, I feel that the suggestion he now makes is well taken. Therefore, at the proper time, I shall offer an additional amendment to this effect:

Provided, That the sums appropriated by this resolution and by Senate Resolution 283 may be used by the committee for any purpose within the scope of either resolution.

Mr. McNARY. I think that is a very proper amendment.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. McNARY. I yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, I do not want the Senator to yield. I desire recognition when the Senator is through.

The PRESIDING OFFICER. The Senator is recognized in his own right.

Mr. BYRNES. Mr. President, in drafting the amendment it was certainly my intention to provide that the sum of \$10,000 should be added to the sum of \$30,000, the entire amount of \$40,000 to be made available for the investigation heretofore ordered by the Senate and the investigation ordered by the pending amendment. The resolution introduced by the Senator from Kentucky [Mr. BARKLEY] is identical with the resolution which I reported to the Senate 2 years ago, and in my opinion gives to the committee the necessary authority to investigate any expenditure of public funds by Federal, State, county, or city governments.

Its purpose was to give the committee the power to investigate the expenditure of public money; and there is no restriction except as to the investigation of public funds of another country. Certainly all public funds appropriated by any government in the United States of America are covered by the Barkley resolution. However, Senators thought otherwise, and I therefore drafted the amendment and submitted it to the Senator from Maryland [Mr. TYDINGS], who approved the amendment and said he was entirely satisfied with it. If the Members of the Senate have any doubt about the \$10,000 being available for the purposes set forth in the Barkley resolution, or the \$30,000 heretofore appropriated in the Barkley resolution being available for the purposes set forth in the amendment, if the language can be improved upon, the committee has no objection.

As to the amount, I realize that Senators wish to indicate that they desire the investigation to cover all the subjects possible, and therefore the larger the amount the greater evidence of the intent to investigate all matters.

The Committee to Audit and Control the Contingent Expenses of the Senate has been passing upon this question for a number of years. No committee up to this time has spent the \$25,000 made available. I served as chairman of the committee for 1 year, and \$18,000 was sufficient. Last year \$25,000 more than covered the requirements.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. McNARY. I once served on a campaign committee which spent over \$100,000 in the investigation of the expenditure of exorbitant sums of money by Mr. Vare, of Pennsylvania.

Mr. BYRNES. That was a special investigation.

Mr. McNARY. A campaign investigating committee made the investigation, and it was made prior to the time he took his seat. As a matter of fact, he never did take his seat; the seat was denied him as he approached the door.

Mr. BYRNES. I recall that; and, while the Senator is a good spender, I doubt seriously whether if he should serve on the committee now proposed he could spend \$100,000 between now and January 1, good spender that he is. I admit that there seems to be a change of attitude so that it is thought what could be done by a committee 2 years ago or 4 years ago or 6 years ago for \$20,000 might today take \$40,000. Therefore, the committee reported the resolution carrying an aggregate of \$40,000, and if \$40,000 is not sufficient, I understand one Senator offers to make it \$80,000. I presume if twice as much is necessary now as was necessary a week ago, so that today \$80,000 is now necessary, we are fortunate that Congress will adjourn today, because if we postponed adjournment for a few days more the amount would be increased to \$160,000.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. McNARY. Has the Senator any misgiving that a

committee appointed to make this investigation by the Senate would spend one dollar more than was necessary?

Mr. BYRNES. The view of the Senator from South Carolina is that the committee will spend every dollar that is made available. That is based upon experience of the past. The view of the Senator from South Carolina is that unless the Congress speedily adjourns the committees of the Senate will never have an opportunity to finish their investigations by January 1 next year. I am urging an early adjournment because I am convinced that the Members of the Senate will not have time to attend to the duties of investigations that are being thrust upon them in the closing days of the session. How much money it is going to take, the Senator from Oregon cannot tell and the Senator from South Carolina cannot tell except by looking back to the experience of other committees. Those committees in the past that have remained at work from the beginning of a campaign until January 1 following have been able to get along with \$25,000, and \$40,000 is, of course, an increase.

Mr. McNARY. I think the able Senator agrees with my philosophy, because he cannot guess and I do not pretend to guess as to the amount which will be required, but there should be a sum to cover contingencies. As I have stated, however, the committee appointed will not spend one cent more than is necessary, irrespective of the amount made available.

Mr. BYRNES. It depends entirely on whether the committee employ counsel. If they employ counsel, the committee will not be able to report on January 1. An investigating committee, as a rule, never expires until the investigator whom the committee hires expires, and when he expires the committee expires.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

Mr. KING. Mr. President, I should like to ask the Senator from Wyoming with respect to Senate Resolution 284, which was offered by me some time ago, providing for an investigation of the W. P. A., whether, in his opinion, his committee would have authority to make the investigation which I have asked for in the resolution referred to?

Mr. O'MAHONEY. I will say to the Senator that I have just scanned his resolution very hastily, and I find that it contains matters which, quite obviously, are not within the scope of the pending resolution. As for example:

The address, position, and salary of each such person who receives compensation at a rate of \$3,000 or more per year.

Mr. KING. Well, eliminating that?

Mr. O'MAHONEY. Then the sixth clause:

The aggregate amount of all sums which have been made available (including amounts allocated) for expenditure by such Administration during each of the fiscal years 1935, 1936, and 1937.

Those matters—and I think there are some others—within the scope of the Senator's resolution go a little bit afield of the purpose of the pending investigating resolution, which is confined to political activities. With respect to political activities, I believe that the resolution before us is quite as broad as that which the Senator from Utah has presented.

Mr. KING. Mr. President, I am interested, of course, in a fair and just investigation of the expenditures by the Works Progress Administration for political purposes, but if the committee which is provided for by the resolution now under consideration will have authority to investigate political activities of the Works Progress Administration, the money spent for that purpose, then, I shall feel constrained not to press my resolution; otherwise I should do so.

With respect to the number of employees, I have ascertained that I can obtain that information, together with the salaries paid to each, so that I would not devolve that responsibility upon any committee, even under the resolution which I have offered; but if the resolution which is under consideration will permit an investigation as to the political expenditures and activities of the Works Progress Administration, I shall be content.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BYRNES. The matters covered by the resolution of the Senator from Utah, with the exception of that one item, are covered by the pending resolution. The committee would have authority to investigate matters referred to by the Senator from Utah.

Mr. KING. I am gratified to learn that.

Mr. President, I ask permission to insert in the RECORD, in connection with my remarks, the resolution which I offered, so as to identify it with the discussion which has taken place and with the resolution which is under consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 284) submitted by Mr. KING on the calendar day May 28, 1938, as subsequently modified by him, was ordered to be printed in the RECORD, as follows:

Whereas large sums of money have been appropriated and made available to the Works Progress Administration for expenditure for relief purposes; and

Whereas adequate information is not available to the Congress with respect to the manner in which and purposes for which such sums have actually been expended; and

Whereas it has been alleged that persons employed by the Works Progress Administration in administrative and executive positions have engaged in political activities and have administered the funds appropriated for relief purposes on a political basis and for political purposes; and

Whereas it has been alleged that some persons in authority, or charged with the responsibility of expending funds for relief or for work projects, in such Administration have attempted to influence the votes of persons on the relief rolls and those seeking relief by threatening to withhold or deny relief unless they voted for certain candidates for public office or supported certain public policies; and

Whereas it has been alleged that the administrative expenses of such Administration have been disproportionate in view of the nature of its functions and that many of the salaries paid to persons in administrative positions in such Administration are excessive: Therefore be it

Resolved, That a special committee of three Senators to be appointed by the President of the Senate, is authorized and directed to make a full and complete investigation of the Works Progress Administration and its activities and expenditures, including (1) the extent to which officials of such Administration have engaged, directly or indirectly, in political activities; (2) the extent to which the funds available for such Administration have been used or administered on a political basis or with a view to aiding candidates for public office or to securing legislation, local or national; (3) the extent to which persons on the relief rolls or those seeking relief have been intimidated, coerced, or influenced by those in authority in the various States or elsewhere in such Administration with a view to obtaining their political support for such candidates or for the adoption or rejection of policies or legislation; (4) the total number of all officers and employees of such Administration (including officers and employees of State and local agencies, any part of whose compensation is received from money appropriated or allocated for the use of such Administration); (5) the address, position, and salary of each such person who receives compensation at a rate of \$3,000 or more per year, grouping together the names of all such persons employed in each State; (6) the aggregate amount of all sums which have been made available (including amounts allocated) for expenditure by such Administration during each of the fiscal years 1935, 1936, and 1937; (7) the number of persons now receiving relief from the funds administered by such Administration; and (8) the total amounts expended by such Administration in each State for administrative purposes during each of the fiscal years 1935, 1936, and 1937. The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth and succeeding Congresses; to employ such clerical and other assistants; to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. LUNDEEN obtained the floor.

Mr. LEWIS. Mr. President, if it would not disturb the Senator from Minnesota, I should like to make an inquiry?

Mr. LUNDEEN. Not at all.

Mr. LEWIS. I have listened to the Senators who have spoken, but I have not obtained information which I desire. Does the resolution authorize an investigation of the expenditures and conduct of State officials equally with those of officials engaged in Federal occupations?

Mr. BARKLEY. It authorizes the committee to investigate the expenditure of any Federal money, whether expended directly by agents of the Federal Government or by agents of the State or subdivisions that are spending Federal money.

Mr. BYRNES. Mr. President, if the Senator will yield there, an answer to the question of the Senator from Illinois [Mr. LEWIS] is that the committee is authorized to investigate when money is spent for the purpose of influencing the election of United States Senators.

Mr. LEWIS. What I want to know, as I am anxious that it should be done, is whether the investigation will include expenditures of State, county, or city, local or other organization in the election of Federal officials.

Mr. BYRNES. The resolution authorizes—

A specific investigation with respect to whether or not any funds appropriated by the Congress (whether for expenditure by any department, independent agency, or instrumentality of the United States, or by any State or political subdivision of a State or instrumentality of any State or political subdivision thereof) have been spent or are being spent in such a manner as to influence votes cast or to be cast in any primary, convention, or election held in 1938 at which a candidate for Senator is to be nominated or elected.

Mr. LUNDEEN. Mr. President, I should like to inquire of the Senator from Wyoming, concerning Senate Resolution 290, whether the intention is to investigate in order that the Congress may enact permanent legislation on this question? Is not that the purpose of the resolution?

Mr. O'MAHONEY. I was not the author of this resolution. The resolution has come in from the Committee to Audit and Control the Contingent Expenses of the Senate, which amended a resolution that was presented by the Senator from Maryland [Mr. TYDINGS] and nine other Senators.

Mr. LUNDEEN. But the Senator would say, would he not, that it is intended to effect permanent legislation?

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. ASHURST. May I suggest that unless the resolution declares that it is for the purpose of aiding the enactment of legislation or inquiring into an attempt to corrupt the electorate or debase the ballot at senatorial elections, I doubt if the committee will have the power to compel the attendance of witnesses and the production of papers. Some such purpose should be declared in the resolution.

Mr. WHEELER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. LUNDEEN. I yield.

Mr. WHEELER. I will say that while the resolution would be in better form if it should contain such a provision, yet the Supreme Court in the Daugherty case held that it would be presumed when a resolution was adopted that it was for the purpose of enabling the Congress to enact legislation. I think that this resolution, however, ought to be broadened. I think it should contain another provision so that we could reach any corruption or waste or extravagance in connection with any activities the committee is going to investigate.

Mr. VANDENBERG. Mr. President—

Mr. LUNDEEN. I yield to the Senator from Michigan.

Mr. VANDENBERG. Let me read a sentence from the original resolution which clears up that whole matter. The original resolution, which is amended by the pending resolution, asserts that one of the purposes is to "aid the Senate in enacting any remedial legislation or in deciding any contests," and so forth.

Mr. LUNDEEN. I thank the Senator for that information.

I wish to say that any legislation we hastily enact without due consideration will merely have to be considered and

passed over again. I think the proper way to proceed is to have a thorough investigation, and, then, later enact permanent legislation which will control the situation in the future. It seems to me that would be the proper way to proceed. I doubt whether in prior efforts we have properly considered the questions involved.

Mr. BARKLEY. Mr. President, if the Senator will yield, he will recall that in recent years the Senate decided on the admissibility or suitability of two men who were elected to the United States Senate, one from Illinois and one from Pennsylvania, based upon information that a committee of investigation obtained not only in the general election but also in the primary election.

While the Supreme Court held that Congress had no jurisdiction to pass legislation regulating primary elections for the nomination of candidates to the United States Senate or the House, upon the basis of information obtained by such a committee on the expenditure of money in a primary election the Senate declined to seat two applicants for membership in the Senate.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Mr. President, the Senator addressed a question to me. I presume he will permit me to answer it. Since the Senator addressed the question to me, half a dozen other Members of the body have been answering it. It was my intention to reply to the Senator by reading the first sentence of the basic resolution.

The Senator will recall that Senate Resolution 283 was submitted by the majority leader and adopted by the Senate, and a committee was appointed thereunder. The resolution made an appropriation of \$30,000. The first sentence of the resolution reads as follows:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to investigate the campaign expenditures of candidates for the United States Senate, in both parties—

That might be amended to include all parties—

the names of the persons, firms, or corporations subscribing the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, or use of any public funds, and all other facts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation—

This is the language to which the Senator from Michigan directed attention—

which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

That is a completely constitutional legislative investigation, and complete authority is granted to the committee thereunder. The amendment which is now pending adds to this the investigation of W. P. A. activities.

Mr. LUNDEEN. I thank the Senator.

I should like to say, and then I will yield the floor, that I think that is the proper way to proceed; and I think those who brought up the question here on the floor, as the Senator from New Mexico [Mr. HATCH] did, deserve much credit for having brought it to the attention of the Senate and the country; but we must beware lest we act hastily. It is not so easy to control these activities, and what I fear is that we may put on the books legislation that simply will not work.

I hope the committee will come back with a report, and, beginning with the discussion we had on the floor some days ago and ending up with the report, that we may have legislation which will really work.

Mr. HATCH. Mr. President, I had not intended to take the time of the Senate in further discussion of the many issues which have been raised here over this question. Certainly I have not wanted to enforce on the Senate my own views or my own ideas about this subject; but, in view of the remarks which the Senator from Minnesota has made, I feel that I must make an observation or two.

I desire to say to the Senator from Minnesota that I fully appreciate his position. I fully understand that when he says the proper way to proceed is by an investigation first and by legislation afterward, the Senator from Minnesota is expressing what to his view is the best and the logical and the reasonable way in which to proceed; but, Mr. President, I cannot agree with that policy, and I do not agree with it.

It seemed to me most plain that it was the duty of the Congress to enact legislation against what might become an evil. Whether or not there was such an evil did not make any particular difference. The very fact that there was the possibility, the chance, the opportunity, seemed to devolve upon Congress the duty and responsibility for taking some step to prevent it, not merely to lock the door after the horse was stolen.

So, Mr. President, I took, not a hurried piece of legislation, but the civil-service rules which have been in effect in this country since 1883, and which have in some measure and in some degree prevented political activity on the part of the employees of the Federal Government. It seemed to me that was a reasonable approach, and one which should not have been objected to; but it was.

Mr. WALSH. Mr. President—

Mr. HATCH. I yield to the Senator from Massachusetts.

Mr. WALSH. During the years many special committees have been appointed to investigate campaign expenditures of candidates for Senate and House. They have made extensive reports. They have recommended legislation. Does the Senator know any law which has been enacted as a result?

Mr. HATCH. I do not. More than that, I have had a search made of the laws of the United States—I myself have not made it, because I did not have the time—and I am informed that the only legislation which the Congress of the United States has ever enacted on this subject, aside from the civil-service laws, is legislation resulting from Civil War days, preventing the use of the military in elections.

It seemed to me that the Congress should act on this subject, and I chose what seemed the best and easiest method of getting some legislation. I said on the floor, and I now repeat, that it did not meet my idea of the situation. I preferred the stronger penalties; but the Congress also refused to adopt those.

I do not criticize Senators. I have not criticized and I shall not criticize a single Senator for any vote he has cast on this subject. I desire now to say publicly what I have heretofore said privately, that I question not the integrity, the honor, or the patriotism of a single Member of the United States Senate. On the contrary, I am absolutely confident that every Member of this body is just as anxious or far more anxious than I am to safeguard the United States of America in regard to free elections and every other matter connected with it.

Mr. LUNDEEN. Mr. President—

Mr. HATCH. I yield to the Senator from Minnesota.

Mr. LUNDEEN. I wish to say that the Senator has made a magnificent fight for what he believes to be right. The only thing that bothered me was that I thought what was proposed was hurried; and there are to be other elections following this election.

Mr. HATCH. Mr. President, the Senator took out of my mouth words which I uttered on yesterday. Some man suggested to me that I should go ahead today, at this late hour, and do something. I said, "Never mind; there are other elections to come; and I am sure that when this issue is again presented, perhaps at a calmer time, when the situation is different, it will have the support of the majority of this body, and the Senate of the United States will go on record as to what each Senator honestly believes—that the people of the United States, whether on work relief or whatever may be their position in life, shall have the right to vote exactly as they please, without domination or influence from any source whatsoever."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY], which will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 3, line 17, it is proposed to strike out "\$10,000" and insert "\$50,000."

Mr. WALSH. Mr. President, I have no opposition to the amendment; but I should like to say before the amendment is adopted, having been selected by the distinguished and able Vice President to serve on this committee—which I have reluctantly consented to do only because I feel that it is a public duty—that I am greatly relieved, after reading the resolution, to realize how small and limited our functions are. The first resolution is similar to what has been adopted year after year for the investigation of campaign funds. I make this statement now so that Senators will not be writing letters calling attention to the evils, inefficiency, waste, extravagance, and corruption of various Government departments.

The resolution, as I read it, provides for an investigation in these words:

* * * investigation with respect to whether or not any funds appropriated by the Congress * * * have been spent or are being spent in such a manner as to influence votes cast or to be cast in any primary, convention, or election held in 1938.

I merely desire to call attention to that language and have Senators realize for themselves the difficulty of the problem, and also the limitations of the committee.

Mr. WHEELER. Of course the language used there is practically meaningless so far as an investigation is concerned.

Mr. WALSH. I do not want to commit myself in advance, but I do not know how I am going to get any evidence of money being spent for election purposes. John Brown who is a politician may spend some money, but it will be very difficult to show that he is influencing votes.

Mr. WHEELER. Of course, if there is any corruption in connection with an election the committee will not be able to find it out under this resolution, or if there is any waste of money they will not be able to find it out under this resolution.

Mr. WALSH. I am relieved of responsibility, because I have accepted the position on the committee with the knowledge that the resolution is not as wide in scope as some seem to think it is.

Mr. BARKLEY. Mr. President, I do not think the resolution is as narrow in its interpretation as seems to be the opinion of the Senator from Massachusetts and the Senator from Montana. I think that under the language of both the original and the amended resolution the committee would have practical carte blanche in examining into the expenditure of any public money, Federal or other public money, to determine whether it has been expended in such a way as to influence votes in the election of a United States Senator.

I think that under the language employed the committee could investigate whether anyone on any pay roll, who is paid out of Federal money or to whom Federal money is contributed, is using his time and wasting the money of the United States in a political activity intended to actually result in influencing the vote of anyone in the election of a United States Senator.

Mr. WHEELER. The language speaks for itself.

Mr. BARKLEY. The language had to be broad and general. It is not like drawing an indictment.

Mr. WHEELER. This language is neither broad nor general. It is very limited. The language limits the investigation, as the Senator from Massachusetts has pointed out. It reads:

A specific investigation with respect to whether or not any funds appropriated by the Congress (whether for expenditure by any department, independent agency, or instrumentality of the United States, or by any State or political subdivision of a State

or instrumentality of any State or political subdivision thereof) have been spent or are being spent in such a manner as to influence votes cast or to be cast in any primary, convention, or election held in 1938 at which a candidate for Senator is to be nominated or elected.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WALSH. The public believe, and Senators believe, and the people who have talked to me believe that the investigation is to be a wide-open investigation of corruption, inefficiency, dishonesty, mismanagement, and everything else of that kind; but it is not.

Mr. WHEELER. Of course it is not to be anything of the kind.

Mr. WALSH. So far as I am concerned, being a member of the committee, I do not want the responsibility on my doorstep.

Mr. WHEELER. I do not blame the Senator for not wanting it. There is no use in having the impression go out to the country, and having the people of the country fooled with the idea, that we are giving the committee this power, when we are not doing anything of the kind. We might as well be frank and honest with the country. Someone said to me the other day, "When you are calling attention to what is going on in connection with the W. P. A. playing politics, you are tending to break down relief for the unemployed in the United States and relief for the underprivileged." Of course, we are not doing anything of the kind. When we are driving crooks out of the relief agencies of this country and when we are driving politics out of them, we are helping to maintain and build up honest relief agencies in the United States.

Mr. O'MAHONEY. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. O'MAHONEY. I desire to get a clear understanding of just what the Senator has in mind and his interpretation of the language. The proposed amendment to Senate Resolution 290 reads as follows:

Resolved, That the special committee authorized to be appointed by Senate Resolution 283 of the Seventy-fifth Congress, agreed to May 27, 1938, is hereby directed to make, in addition to any investigations which it is directed to make by such resolution, a specific investigation with respect to whether or not any funds appropriated by the Congress (whether for expenditure by any department, independent agency, or instrumentality of the United States, or by any State or political subdivision of a State or instrumentality of any State, or political subdivision thereof) have been spent or are being spent—

This is the gist of the resolution—

in such a manner as to influence votes cast or to be cast in any primary, convention, or election held in 1938 at which a candidate for Senator is to be nominated or elected.

I confess that I conceive that to give pretty broad power to this committee. If funds are being spent so as to influence votes, we are to investigate. Wherein does that fail?

Mr. WHEELER. The interpretation to be placed upon it, it seems to me, and the only interpretation to be placed upon it, is that they are to investigate to determine whether the funds are being spent in such a manner as to influence votes. What is meant by "influencing votes"?

Mr. O'MAHONEY. By the employment of persons for political purposes.

Mr. WHEELER. Why does it not say that? It does not say that. The Senator, who is a member of the committee himself, I think is justified in saying that. I do not think there is any question about it.

Mr. WALSH. Who is so foolish as to employ anyone and put him on the pay roll for political purposes?

Mr. WHEELER. We hear complaint about corporations. Suppose just before election a corporation puts a lot of people on the pay roll. What do they do it for? Do they say, "We are doing it for the purpose of getting votes for somebody"? Not at all. They say it is in line with their duty, and who is going to be able to deny that the fellow who is put on by the corporation is not put on for some specific duty?

Certainly it can be said that he is put on for political purposes, but where is the committee to get proof, when this kind of a provision is placed in the resolution?

Mr. CLARK. How about the fellow who is laid off?

Mr. WHEELER. Yes; how about the one who is laid off? The employers can lay men off, and they can say they were not laid off for political purposes, and all in the world the committee can do would be to find that they were laid off.

It seems to me it ought to be agreed that the committee should go into the matter much more fully than is provided in this resolution. Otherwise we are going to fool the people, and that is all there is to it.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WHEELER. In just a moment. I say frankly that I do not believe that the resolution will do a particle of good.

The Senate should have adopted the Hatch or the Austin amendment, and we would then have had something on the statute books by which we could have brought these fellows to justice when they violated the law. But we now merely say, "We are going to investigate," and everyone knows that it is largely farcical to set up a committee of this kind under these circumstances. Unless we are going to root out corruption and waste and crookedness in this country, it is, in my judgment, a farce to adopt the resolution.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. O'MAHONEY. I quite agree with what the Senator has said with respect to the adoption of the Hatch amendment or the Austin amendment. I voted for both of them.

Mr. WHEELER. I know the Senator did.

Mr. O'MAHONEY. I believe the Senate should have adopted one or the other of them, and I believe it would be a wonderful thing if, before final adjournment, this body should adopt one or the other of the amendments. But not having adopted one or the other, we are dealing now with the resolution which has been presented.

I have been appointed by the Vice President, without my knowledge, to serve upon the investigating committee. I believe that the criticisms which the Senator from Montana has voiced this afternoon are directed not so much to the power of the committee as to the difficulty of finding proof. With that I agree. It may be very difficult to obtain proof. But the power of the committee under the resolution will be broad enough, in my opinion, to enable the committee to hear every particle of evidence which may be submitted from any quarter with respect to the abuse of appropriations made by United States Government officials or by any city, county, or State. For my part, I am ready to say that that is my interpretation of the resolution.

Mr. TRUMAN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TRUMAN. Are we proceeding under the unanimous-consent agreement for consideration of bills on the calendar?

The PRESIDENT pro tempore. The Senate is operating under the unanimous-consent rule.

Mr. TRUMAN. I ask that the rule be enforced, and I ask for the regular order.

Mr. WHEELER. I did not know we were operating under the rule. We have not been operating under it for the last half hour.

The PRESIDENT pro tempore. Debate is limited to 5 minutes. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] on page 3, line 17.

The amendment to the amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I now offer the amendment by way of proviso, which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. On page 3, line 20, after the word "committee", it is proposed to insert the following:

Provided, That the sums appropriated by this resolution and by Senate Resolution 283 may be used by the committee for any purpose within the scope of either resolution.

The amendment to the amendment was agreed to.

Mr. O'MAHONEY. I offer an additional amendment, as follows:

Provided further, That Senate Resolution 283 is amended by inserting in the first sentence, after the words "expenditures of", the word "all", and by striking out, after the phrase "United States Senate" in the same sentence, the phrase "in both parties."

So that the power of the original committee will extend to the investigation of campaign expenditures by all candidates for the United States Senate, regardless of what party they may be nominated by.

Mr. LUNDEEN. Mr. President, does the Senator maintain that there are only two political parties in the country?

Mr. O'MAHONEY. That is just exactly what I am not maintaining.

Mr. LUNDEEN. I understood from what the Senator said that that was his position.

Mr. O'MAHONEY. The change was suggested by the inquiry which the Senator addressed to me. When I read it I saw that it was confined to "both parties," so I am now amending it to make it clear that it applies to all parties. That would include the Farmer-Labor Party.

Mr. LUNDEEN. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wyoming to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that Senate Resolution 283, and Senate Resolution 290 as now amended and agreed to be printed in full as a part of my remarks at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Senate Resolution 283—Adopted May 27, 1938

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to investigate the campaign expenditures of candidates for the United States Senate in both parties, the names of the persons, firms, or corporations subscribing the amount contributed, the method of expenditure of said sums, and all facts in relation thereto not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage or use of any public funds and all other facts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

No Senator shall be appointed upon said committee from a State in which a Senator is to be elected at the general election in 1938.

The investigation hereby provided for in all the respects above enumerated shall apply to candidates and to contests before primaries, conventions, and the contests and campaign terminating in the general election in 1938.

Said committee is hereby authorized to act upon its own initiative and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made before said committee, under oath, by any person, persons, candidate, or political committee, setting forth allegations as to facts which, under this resolution it would be the duty of said committee to investigate, the said committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in said complaint are immaterial or untrue.

Said committee is hereby authorized, in the performance of its duties, to sit at such times and places, either in the District of Columbia or elsewhere, as it deems necessary or proper. It is specifically authorized to require the attendance of witnesses by subpoena or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, clerical, and other assistants; and to employ stenographers at a cost not exceeding 25 cents per 100 words.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee. The chairman of said committee or any member of any subcommittee may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or who appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law.

The expenses of said investigation, not exceeding in the aggregate \$30,000, shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee or the chairman of any subcommittee.

All hearings before said committee shall be public, and all orders or decisions of the committee shall be public.

The committee shall make a full report to the Senate on the first day of the next session of the Congress.

[Senate Resolution 290, as amended and agreed to today]

Resolved, That the special committee authorized to be appointed by Senate Resolution 283 of the Seventy-fifth Congress, agreed to May 27, 1938, is hereby directed to make, in addition to any investigations which it is directed to make by such resolution a specific investigation with respect to whether or not any funds appropriated by the Congress (whether for expenditure by any Department, independent agency, or instrumentality of the United States, or by any State or political subdivision of a State or instrumentality of any State or political subdivision thereof) have been spent or are being spent in such a manner as to influence votes cast or to be cast in any primary, convention, or election held in 1938 at which a candidate for Senator is to be nominated or elected. Such specific investigation shall be made in the same manner as the other investigations made pursuant to such resolution are made, and in making such specific investigation the committee and any subcommittee thereof shall have all powers conferred upon them by such resolution. The expenses of such special investigation, for which a sum of not to exceed \$50,000 is authorized to be expended in addition to the sum authorized to be expended under such resolution, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee: *Provided*, That the sums appropriated by this resolution and by Senate Resolution 283 may be used by the committee for any purpose within the scope of either resolution: *Provided further*, That Senate Resolution 283 is amended by inserting in the first sentence after the words "expenditures of" the word "all", and by striking out after the phrase "United States Senate" in the same sentence the phrase "in both parties."

The PRESIDENT pro tempore. The resolution is still before the Senate and open to further amendment.

Mr. KING. Mr. President, I offer an amendment, on page 3, line 15, after the word "resolution", to add the following:

It is further provided that said committee shall investigate any waste or extravagance or corruption in connection with any of the relief agencies of the Government.

Mr. President, upon two occasions—and that was referred to a moment ago by my dear friend, the Senator from Montana—the Senate committed what I conceive to be a very great mistake in voting against the amendment offered by the Senator from New Mexico [Mr. HATCH] and the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the relief appropriation measure. By those votes it seems to me we have given notice to the country—and I have seen a number of newspaper items which have so interpreted those votes—that we condone and justify waste, extravagance, and corruption and coercion and intimidation in the Works Progress Administration, because reference was made particularly during the debate to that organization. I say that doubtless the Senate by reason of that unwise action, as I believe, has indicated that it does not intend to investigate the Works Progress Administration and the numerous charges which have been made with respect to it, and they are more than charges, for, in many instances, proof has been submitted of coercion and intimidation and fraud perpetrated for the purpose of controlling the votes in primary elections and in other elections in various parts of the United States.

If we adopt this amendment the committee will then have authority to investigate corruption wherever it exists in connection with the Works Progress Administration or other agencies of the Government.

Mr. President, I hope my amendment will be adopted.

Mr. BYRNES. Mr. President, the purpose of the resolution was to investigate the use of money to influence elections. As I understand the Senator from Utah his amendment would provide for investigation of waste and extravagance.

Mr. KING. And corruption.

Mr. BYRNES. I do not think we have waste and extravagance in elections. Awhile ago I stated that I doubted the wisdom of increasing the amount, but if we are to investigate waste and extravagance in addition to other things, I am willing that the increase should be made.

Mr. KING. I am willing to add to the language "as affecting elections."

Mr. BYRNES. Waste as affecting an election? If some official of a Department spent some money wastefully, would the committee be obliged to investigate to show whether that waste had the result of affecting an election?

Mr. KING. Whether the waste was brought about for the purpose of affecting an election or whether corruption existed for the purpose of affecting an election. If there are dishonest elections we ought to investigate some of the activities concerning which reference was made when we discussed Works Progress Administration legislation in the past.

Mr. BYRNES. I think the resolution as it has been amended covers this subject, and I think it would be a mistake to advise the committee and direct its members to investigate charges of extravagance in the conduct and activity of government or waste, because I cannot see how waste or extravagance would affect an election. Corruption is different, and that is covered by the resolution. I think it is now broad enough to do what the Senate wants done.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 290) as amended was agreed to.

Mr. SHEPPARD. Mr. President, I shall call a meeting of the Senate Committee on Campaign Expenditures for 11 o'clock tomorrow morning, to be held in the committee room of the Senate Military Affairs Committee. The session will be an executive one. All Senators desiring to contact the committee are invited.

HOUSE BILL REFERRED

The bill (H. R. 6754) to authorize the cancelation of deportation proceedings in the case of Apostolos Vasilis Percas, was read twice by its title and referred to the Committee on Immigration.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the bill (S. 1131) to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3560) to revise the boundaries of the Colonial National Historical Park in the State of Virginia, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2734. An act to authorize the coinage of 50-cent pieces in commemoration of the four hundredth anniversary of the journey and explorations of Francisco Vasquez de Coronado;

H. R. 6168. An act to amend section 239 of the act of June 8, 1872 (17 Stat. 312; U. S. C., title 39, sec. 500);

H. R. 6754. An act to authorize the cancelation of deportation proceedings in the case of Apostolos Vasilis Percas;

H. R. 9729. An act for the relief of Giuseppe Quercia;

H. R. 10051. An act to provide for travel allowance to railway mail clerks assigned to road duty;

H. R. 10527. An act for the relief of the American National Bank, of Kalamazoo, Mich.;

H. R. 10690. An act to authorize the construction of certain vessels for the Coast and Geodetic Survey, Department of Commerce, and for other purposes;

H. R. 10752. An act to authorize Federal cooperation in the acquisition of the "Muir Wood Toll Road", located in Marin County, State of California, and for other purposes;

H. R. 10842. An act creating the Cassville-Guttenberg Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Cassville, Wis., and Guttenberg, Iowa;

H. R. 10895. An act to amend an act of Congress approved August 16, 1937, relating to death damage claims in the cases of Marshall Campbell and Raymond O'Neal;

H. J. Res. 663. Joint resolution to provide for the operation of the Peru and Indianapolis Railway post office by motor vehicle over the public highways; and

H. J. Res. 714. Joint resolution for the relief of certain aliens.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 371. An act for the relief of William R. Kellogg;

S. 1294. An act to amend the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended;

S. 2163. An act to authorize the deposit and investment of Indian funds;

S. 2505. An act for the relief of James J. Hogan;

S. 3337. An act to amend section 2 of the act entitled "An act making appropriations for naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, to increase the authorized percentage of privates, first class, in the Marine Corps from 25 to 40 percent of the whole number of privates;

S. 3548. An act to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended;

S. 3774. An act to authorize cooperation between the United States and the State of New York in the protection of the public interest and welfare inherent in certain forest lands in said State through provision for the acquisition and management of said lands;

S. 4007. An act authorizing the county of Lawrence, Ky., to construct, maintain, and operate a free highway bridge across the Big Sandy River at or near Louisa, Ky.;

S. 4011. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, St. Louis, Mo.;

S. 4036. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. 4041. An act granting the consent of Congress to the State of New Jersey and the Commonwealth of Pennsylvania to enter into compacts or agreements with respect to constructing, maintaining, and operating a vehicular tunnel under the Delaware River;

S. 4044. An act to authorize the President to permit citizens of the American Republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof;

S. 4069. An act to authorize the Secretary of War to lend certain property to the Reunion Committee of the United Confederate Veterans to be used at their annual encampment to be held at Columbia, S. C., from August 30 to September 2, 1938;

S. 4070. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1938 Reunion at Columbia, S. C., from August 30 to September 2, 1938, both dates inclusive;

S. 4132. An act limiting the hours of labor of certain officers and seamen on certain vessels navigating the Great Lakes and adjacent waters;

H. R. 146. An act to require contractors on public-building projects to name their subcontractors, material men, and supply men, and for other purposes;

H. R. 10127. An act to regulate interstate commerce by establishing an unemployment-insurance system for individuals employed by certain employers engaged in interstate commerce, and for other purposes; and

H. R. 10618. An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

CIVILIAN OFFICERS AND EMPLOYEES, PANAMA CANAL

Mr. CLARK. Mr. President, a few moments ago, while I was temporarily absent from the floor, Senate bill 3332, being Calendar No. 2302, was called, objected to, and was passed over.

I should like to ask unanimous consent that the Senate return to that bill and that it be considered.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 3332) to provide for recognizing the services rendered by civilian officers and employees in the construction and establishment of the Panama Canal and the Canal Zone, which was read, as follows:

Be it enacted, etc., That, in recognition of their distinguished service in the construction, maintenance, operation, sanitation, and government of the Panama Canal and the Canal Zone, the thanks of Congress are hereby extended to the civil, electrical, designing, mechanical, and municipal engineers, administrators, medical and surgical officers, scientists, lawyers, marine, dredging, operating, fiscal, and construction experts, and other persons, who rendered such service, but were not included in the recognition and benefits extended by the act of Congress approved March 4, 1915 (38 Stat. 1190).

Sec. 2. In further recognition of the exceptional character and conditions of such service, article 2 of chapter 6 of title 2 of the Canal Zone Code, as amended, is amended by adding at the end of such article the following:

"108. Minimum annuity for employees serving in connection with the construction of the Panama Canal: Any officer or employee of the Panama Canal or the Panama Railroad Co. who served 3 or more years on the Isthmus of Panama in connection with the construction of the Panama Canal during the period from May 4, 1904, to March 31, 1914, both dates inclusive, and who has been, prior to the date of enactment of this section, or may be, on or after such date, retired from active duty under the provisions of this article, shall be paid an annuity in an amount not less than 2 percent of the average annual basic salary, pay, or compensation received by such officer or employee during any 10 consecutive years of allowable foreign tropical service rendered on the Isthmus of Panama, multiplied by the total number of years of such service not exceeding 30. This section shall not operate to reduce the annuity allowable to any such officer or employee, or otherwise deprive him of any benefits allowable under this article or any other retirement act under which he has been or may be retired. Annuity allowable under this section to any officer or employee shall not become effective until such officer or employee reaches the compulsory retirement age prescribed in section 92 of this article, or is retired on account of disability under section 94 of this article, or is retired under section 93 after 30 years' service on the Isthmus. In the cases of officers and employees who, prior to the date of enactment of this section, have been retired and have attained the compulsory retirement age, or have been retired on account of disability under section 94 of this article, or have been retired under section 93 after 30 years' service on the Isthmus, the increased annuities allowable under this section shall commence on the first day of the calendar month next following the month during which this section is enacted."

Mr. CLARK. Mr. President, this is merely a measure for doing a simple measure of justice to employees who were employed during the construction period of the Panama Canal, and who have since been continuously employed in the Canal Administration. These men have been out of the United States for as long as 25 or 30 years, and some of them for more years. They are now reaching the age where they must be retired. The retirement act was passed so late in their careers that they are unable to take advantage to any considerable extent of the very small additional annuity payment provided in the retirement act. This measure simply puts these men who were engaged in the construction work and who have since been continuously employed in the Panama Canal Zone on the same basis as the employees of the Panama Railroad, for instance, a 100-percent Government-owned corporation.

Mr. McKELLAR. How much will it cost?

Mr. CLARK. In the first year it will cost the Government between \$40,000 and \$45,000, increasing by 1945 to close to \$80,000, and very speedily decreasing thereafter.

Mr. McKELLAR. How many persons would be affected?

Mr. CLARK. Less than 400.

Mr. McKELLAR. I shall not object.

Mr. CLARK. I hope the bill may be passed, Mr. President.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION AND IMPOUNDING OF DOCUMENTS ACQUIRED BY SPECIAL SENATE COMMITTEE

The Senate proceeded to consider the resolution (S. Res. 295) providing for the preservation and impounding of all documents acquired by the Special Committee to Investigate Air Mail and Ocean Mail Contracts, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 8, after the words "for by", to strike out "law; and be it further" and to insert "law"; and on the same page, beginning with line 9, to strike out the last resolving clause, so as to make the resolution read:

Resolved, That in addition to the authority conferred upon the Special Committee of the Senate to Investigate Air Mail and Ocean Mail Contracts, created under Senate Resolution 349, Seventy-second Congress, second session, agreed to February 25, 1933, supplemented by Senate Resolution 94, Seventy-third Congress, first session, agreed to June 10, 1933, supplemented by Senate Resolution 143, Seventy-third Congress, second session, agreed to January 24, 1934, supplemented by Senate Resolution 259, Seventy-third Congress, second session, agreed to June 13, 1934, the committee shall have authority and is directed to preserve all of the records, papers, exhibits, documents, returns, reports, testimony, memoranda, accounts, figures, writings, books, correspondence, files, and all other property in its possession, acquired by it in pursuance of said resolution; and that said committee shall have authority and is directed to impound the same with the Sergeant at Arms of the Senate, who is directed to receive and keep the same for the use of the Senate, and of the Departments of Government in the presence of the custodian, and for other uses only in compliance with subpoena duces tecum issued as provided for by law.

The amendment was agreed to.

The resolution, as amended, was agreed to.

DEDICATION OF THOUSAND ISLANDS BRIDGE OVER ST. LAWRENCE RIVER

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 33) authorizing congressional representation at the exercises incident to the dedication of the Thousand Islands Bridge across the St. Lawrence River, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 2, before the word "shall", to insert "\$1,000", so as to make the concurrent resolution read:

Resolved, etc., That a joint committee of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is authorized to represent the Congress of the United States at the exercises incident to the dedication of the Thousand Islands Bridge across the Saint Lawrence River, between the State of New York and the Dominion of Canada. The joint committee shall select a chairman from among its members.

SEC. 2. The necessary expenses of such joint committee, not in excess of \$1,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives on vouchers authorized by such joint committee and signed by the chairman thereof.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

EXTENSION OF TIME OF REPORT BY SPECIAL COMMITTEE INVESTIGATING WOOL PRODUCTION

The resolution (S. Res. 278) was read, considered, and agreed to, as follows:

Resolved, That Senate Resolution 160, Seventy-fourth Congress, first session, agreed to July 10, 1935, authorizing a special committee to investigate the production, transportation, and marketing of wool, as extended, is hereby further extended and continued in full force and effect during the Seventy-sixth Congress; and the said committee hereby is authorized to expend from the contingent fund of the Senate the sum of \$1,500 in addition to the amount heretofore authorized for such purpose; and, further, the said committee may report to the Senate at any time prior to the expiration of the Seventy-sixth Congress.

ELLA GERTRUDE KAY

The resolution (S. Res. 287) was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Ella Gertrude Kay, widow of William A. Kay, late an employee of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INVESTIGATION OF AGRICULTURAL COMMODITY PRICES

The resolution (S. Res. 288) was read, considered, and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry, authorized by Senate Resolution 158, agreed to August 10, 1937, to conduct investigations and draft legislation to maintain both parity of prices paid to farmers for agricultural commodities marketed by them for domestic consumption and export, and parity of income for farmers marketing such commodities; and, without interfering with the maintenance of such parity prices, to provide an ever-normal granary for each major agricultural commodity; and to conserve national soil resources and prevent the wasteful use of soil fertility, hereby is authorized to expend from the contingent fund of the Senate \$698.13 in addition to the amount heretofore authorized for such purposes.

ELMER W. HAAS

The bill (H. R. 656) for the relief of Elmer W. Haas was announced as next in order.

Mr. SHEPPARD. Mr. President, this and the six succeeding bills came from the House a few days ago. They were referred to the Committee on Military Affairs. I made a careful examination of the bills and have prepared a statement with respect to each bill, and as each bill is read I ask that the statement covering that bill be placed in the Record following action on such bill.

Mr. KING. Mr. President, may I ask the Senator whether these reports are favorable?

Mr. SHEPPARD. The reports are favorable. They are the reports of the Senate Military Affairs Committee. The House had already passed the bills.

Mr. KING. I notice that the report of the Secretary of War with respect to Haas is adverse, and I think there is an adverse report with respect to each of the measures.

Mr. SHEPPARD. The War Department as a rule reports adversely on bills of this nature, although its report on one of these measures is favorable. The committee reports express the view of the committee after its own independent consideration of the facts.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of House bill 656?

There being no objection, the bill (H. R. 656) for the relief of Elmer W. Haas, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Elmer W. Haas be held and considered to have been enlisted May 5, 1898, in Company H, Twenty-first Regiment Kansas Volunteer Infantry, and honorably discharged from said company on August 4, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The statement presented by Mr. SHEPPARD is as follows:

This bill provides that Elmer W. Haas shall be held and considered to have been enlisted May 5, 1898, in Company H, Twenty-first Regiment Kansas Volunteer Infantry, and to have been honorably discharged from that organization on August 4, 1898. Affidavits from the company clerk of this organization and others acquainted with the claimant show that he was enlisted in Company H, Twenty-first Regiment Kansas Volunteer Infantry. Furthermore, the War Department has a medical record of this man, but his enlistment record has apparently been misplaced. The evidence further shows that Haas was home on sick leave at the time his organization was mustered out. Under these circumstances, it is believed that the claimant is entitled to the relief granted in the bill under consideration.

GUY CARLTON BAKER

The bill (H. R. 667) to correct the records of the War Department to show that Guy Carlton Baker and Calton C.

Baker or Carlton C. Baker is one and the same person was considered, ordered to a third reading, read the third time, and passed.

The statement presented by Mr. SHEPPARD is as follows:

This bill provides that the records of the War Department shall show that Guy Carlton Baker is one and the same person as Carlton C. Baker or Carlton C. Baker, who served in the War of 1812 as a private. The descendants of Guy Carlton Baker for sentimental and family reasons desire the Department's records to be corrected in this respect. The War Department states that it is merely the custodian of the records of soldiers of the War of 1812 and has no authority under general law to make the change desired by the descendants of Guy Carlton Baker.

WILLIAM E. RICH

The bill (H. R. 1299) for the relief of William E. Rich was considered, ordered to a third reading, read the third time, and passed.

The statement presented by Mr. SHEPPARD is as follows:

The purpose of this measure is to consider the claimant, William E. Rich, to have been honorably discharged from the Army. Although he was convicted by a general court martial on a charge of fraudulent enlistment, the Judge Advocate General recommended that the unexecuted portion of the sentence be remitted and the claimant given a discharge without honor instead of a dishonorable discharge. The Judge Advocate General on a later review of the case submitted that Rich should never have been brought to trial, and five of the seven members of the court martial recommended clemency in his case. The War Department recommends H. R. 1299 favorably. Official records show that this man had an excellent record while in the service, that he was only 19 years of age when he enlisted, and that the seriousness of stating he was single when he in fact was married was misrepresented to him by the recruiting sergeant whom the claimant had informed of his marriage. In view of these circumstances, the committee has reported H. R. 1299 favorably with a recommendation that it be passed.

WILLIAM MOSELEY

The bill (H. R. 6805) for the relief of William Moseley was considered, ordered to a third reading, read the third time, and passed.

The statement presented by Mr. SHEPPARD is as follows:

This bill provides that the claimant, William Moseley, shall be held and considered to have been honorably discharged from the Army on May 25, 1899. At the time of his discharge, he was in confinement awaiting trial on a charge of perjury, and under then existing Army regulations he was discharged with a blue discharge. The facts show that this soldier was a witness for the prosecution in a court martial where another soldier was on trial for killing a civilian in Cuba. The claimant testified that he was an eyewitness to the shooting, and his testimony was partly corroborated by another soldier. The defendant in the court-martial proceeding was acquitted, and the claimant in H. R. 6805 was charged with perjury. However, he was never brought to trial, though he was kept in confinement for 6 months. He was returned to the United States in confinement and dismissed with a blue discharge when his company was mustered out. The records show that there was ample opportunity in which to try this former soldier had the military authorities desired to do so. In view of the fact that he was never tried, and therefore never convicted of anything, the committee believes he is entitled to the relief provided in the bill under consideration.

WILLIAM B. BLAUFUSS

The bill (H. R. 8799) for the relief of William Blaufuss was considered, ordered to a third reading, read the third time, and passed.

The statement presented by Mr. SHEPPARD is as follows:

The claimant in this bill was retired from the Army in July 1934 on the recommendation of an Army retiring board, which found that he was incapacitated for active duty, that the incapacity originated as an incident of the service, and that the nature of the incapacity was epilepsy. The bill under consideration authorizes the President to summon this man before another Army retiring board in order that his case can be reviewed. If it is found that he is not now incapacitated, the bill authorizes and directs the Secretary of War to reinstate the claimant in the Army as a first lieutenant. Since his separation from the service, this former officer has been examined by a number of civilian doctors, including doctors at the Mayo Clinic, and no trace of epilepsy has been found. The claimant contends that the break-down he witnessed in 1933 was due to a sunstroke, that he has since been in good health, and that he is now in good health. Should he be returned to active duty, he would receive only \$549.96 more active-duty pay than he now receives as retired pay. The evidence shows that his combined retired pay and private income exceed what he would receive if returned to active duty in the Army. In view of the

contradictory evidence that this man had epilepsy in 1934, the committee feels that he is entitled to the review of his case, which the bill H. R. 8799 will accord him.

CHARLES G. BOSTWICK

The bill (H. R. 9448) for the relief of Charles G. Bostwick was considered, ordered to a third reading, read the third time, and passed.

The statement presented by Mr. SHEPPARD is as follows:

The claimant in this bill is now over 85 years old. He is almost blind and virtually helpless. In March 1872 he was discharged from the Army on account of minority, although he had served in the Army over a year before being discharged. On account of having been discharged without honor he is not entitled to hospitalization and medical care in a Veterans' Administration hospital or home. The bill H. R. 9448 provides that the Administrator of Veterans' Affairs shall furnish the claimant, Charles G. Bostwick, hospital treatment or domiciliary care and medical services in connection therewith in a Veterans' Administration hospital or home. In view of the claimant's present age and the fact that the only thing against his military record was minority enlistment the committee recommends the passage of H. R. 9448. Some years ago Congress granted the claimant a pension. In view of his present physical condition, however, he is in dire need of hospital and medical care.

HARRY J. SOMERVILLE

The Senate proceeded to consider the bill (H. R. 9868) for the relief of Harry J. Somerville, which had been reported from the Committee on Military Affairs, with an amendment, on page 1, line 9, after the figures "1918", to insert a proviso, so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Harry J. Somerville, who served as a private, Troop K, Eleventh Regiment United States Cavalry, shall be held and considered to have been honorably discharged from the United States Army in the rank of private on July 26, 1918: *Provided,* That no bounty, back pay, pension, benefit, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The statement presented by Mr. SHEPPARD is as follows:

The claimant in this bill enlisted under age, with the consent of his father, in March 1917. In May 1918 he carelessly went into his tent with a loaded rifle, and in unloading it the rifle went off, killing two other soldiers. He was given a dishonorable discharge, and the purpose of the bill under consideration is to consider him to have been honorably discharged on July 26, 1918. In view of the claimant's youth at the time of this accident, and in view of the fact that he has been sufficiently punished for a wholly unintentional act, the committee recommends the passage of H. R. 9868.

AMENDMENT OF MOTOR CARRIER ACT

The Senate proceeded to consider the bill (H. R. 9739) to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act, otherwise known as the Motor Carrier Act, 1935, which was read, as follows:

Be it enacted, etc., That the Interstate Commerce Act, as amended, is hereby further amended in part II thereof by amending, as hereinafter indicated, certain provisions of the act entitled "An act to amend the Interstate Commerce Act, as amended," by providing for the regulation of the transportation of passengers and property by motor carriers operating in interstate or foreign commerce, and for other purposes, approved August 9, 1935, and known as the Motor Carrier Act, 1935.

SEC. 2. Section 203 (a) (13) of said Motor Carrier Act, 1935, is hereby amended to read as follows:

"(13) The term 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails."

SEC. 3. Section 203 (b) (6) of said act is hereby amended to read as follows: "(6) motor vehicles used in carrying property consisting of livestock, fish (including shell fish), or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation;"

SEC. 4. Section 204 (a) (6) of said act is hereby amended to read as follows:

"(6) To administer, execute, and enforce all provisions of this part, to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration; and"

Sec. 5. The first two sentences of section 205 (a) of said act are hereby amended to read as follows:

"Sec. 205. (a) Excepting a matter which is referred to a joint board as hereinafter provided, any matter arising in the administration of this part as to which a hearing is required or in the judgment of the Commission is desirable shall be heard as the Commission may determine and be decided by the Commission, unless such matter shall, by order of the Commission, be referred to a member or examiner of the Commission for hearing and the recommendation of an appropriate order thereon. With respect to a matter so referred the member or examiner shall have all the rights, duties, powers, and jurisdiction conferred by this part upon the Commission, except that the order recommended by such member or examiner shall be subject to the following provisions of this paragraph."

Sec. 6. (a) So much of the first sentence of section 205 (b) of said act as reads "any of the following matters arising in the administration of this part with respect to such operations" is hereby amended to read as follows: "any of the following matters arising in the administration of this part with respect to such operations as to which a hearing is required or in the judgment of the Commission is desirable."

(b) The last two sentences of said section 205 (b) are hereby amended to read as follows:

"In acting upon matters so referred, joint boards shall be vested with the same rights, duties, powers, and jurisdiction as are hereinbefore vested in members or examiners of the Commission to whom a matter is referred for hearing and the recommendation of an appropriate order thereon: *Provided, however*, That a joint board may, in its discretion, report to the Commission its conclusions upon the evidence received, if any, without a recommended order. Orders recommended by joint boards shall be filed with the Commission, and shall become orders of the Commission and become effective in the same manner, and shall be subject to the same procedure, as provided in the case of orders recommended by members or examiners under this section. If a joint board to which any matter has been referred shall report its conclusions upon the evidence without a recommended order, such matter shall thereupon be decided by the Commission, giving such weight to such conclusions as in its judgment the evidence may justify."

Sec. 7. Section 205 (f) of said act is hereby amended to read as follows:

"(f) In accordance with rules prescribed by the Commission, reasonable notice shall be afforded, in connection with any proceeding under this part, to interested parties and to the board of any State, or to the governor if there be no board, in which the motor carrier operations involved in the proceeding are or are proposed to be conducted, and opportunity for intervention in any such proceeding for the purpose of making representations to the Commission or for participating in a hearing, if a hearing is held, shall be afforded to all interested parties."

Sec. 8. Section 206 (a) of said act is hereby amended by striking out "No common carrier" at the beginning and inserting in lieu thereof the following: "Except as otherwise provided in this section and in section 210a, no common carrier."

Sec. 9. Section 209 (a) of said act is hereby amended by striking out "No person" at the beginning of such section and inserting in lieu thereof the following: "Except as otherwise provided in this section and in section 210a, no person."

Sec. 10. After section 210 of said act, the following new section shall be inserted:

"Sec. 210a. (a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier or a contract carrier by motor vehicle, as the case may be. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify but for not more than an aggregate of 180 days, and shall create no presumption that corresponding permanent authority will be granted thereafter."

"(b) Pending the determination of an application filed with the Commission for approval of a consolidation or merger of the properties of two or more motor carriers or of a purchase, lease, or contract to operate the properties of one or more motor carriers, as contemplated in section 213 (a) of this part, the Commission may, in its discretion, and without hearings or other proceedings, grant temporary approval, for a period not exceeding 180 days, of the operation of the motor-carrier properties sought to be acquired by the person proposing in such pending application to acquire such properties, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such motor-carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

"(c) Transportation service rendered under such temporary authority shall be subject to all applicable provisions of this part and to the rules, regulations, and requirements of the Commission thereunder."

Sec. 11. Section 212 (a) of said act is hereby amended to read as follows:

"Sec. 212. (a) Certificates, permits, and licenses shall be effective from the date specified therein, and shall remain in effect until suspended or terminated as herein provided. Any such certificate,

permit, or license may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, changed, or revoked in whole or in part, for willful failure to comply with any provision of this part, or with any lawful order, rule, or regulation of the Commission promulgated thereunder, or with any term, condition, or limitation of such certificate, permit, or license: *Provided, however*, That no such certificate, permit, or license shall be revoked (except upon application of the holder) unless the holder thereof willfully fails to comply, within a reasonable time, not less than 30 days, to be fixed by the Commission, with a lawful order of the Commission, made as provided in section 204 (d), commanding obedience to the provision of this part, or to the rule or regulation of the Commission thereunder, or to the term, condition, or limitation of such certificate, permit, or license, found by the Commission to have been violated by such holder: *And provided further*, That the right to engage in transportation in interstate or foreign commerce by virtue of any certificate, permit, license, or any application filed pursuant to the provisions of section 206, 209 or 211, or by virtue of the second proviso of section 206 (a) or temporary authority under section 210a, may be suspended by the Commission, upon reasonable notice of not less than 15 days to the carrier or broker, but without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of section 211 (c), 217 (a), or 218 (a) or with any lawful order, rule, or regulation of the Commission promulgated thereunder."

Sec. 12. Section 213 (a) (1) of said act is hereby amended to read as follows:

"(1) Whenever a consolidation, merger, purchase, lease, operating contract, or acquisition of control is proposed under this section, the carrier or carriers or the person seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall, after such notice as is required by section 205 (f), and if deemed by it necessary in order to determine whether the findings specified below may properly be made, set said application down for a public hearing. If the Commission finds that the transaction proposed will be consistent with the public interest and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe: *Provided, however*, That if a carrier other than a motor carrier is an applicant, or any person which is controlled by such a carrier other than a motor carrier or affiliated therewith within the meaning of section 5 (8) of part I, the Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than a motor carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition: *And provided further*, That if an order is entered hereunder without a public hearing, said order shall take effect within such reasonable period as the Commission may fix."

Sec. 13. Section 213 (b) (1) of said act is hereby amended to read as follows:

"(b) (1) It shall be unlawful for any person, except as provided in paragraph (a), to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more motor carriers which are not also carriers by railroad, or of one or more such motor carriers and one or more carriers other than motor carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this part and in violation of this paragraph. As used in this paragraph, the words 'control or management' shall be construed to include the power to exercise control or management."

Sec. 14. Section 213 (b) (2) of said act is hereby amended to read as follows:

"(2) In addition to the enforcement procedure provided elsewhere in this part, the Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating the provisions of paragraph (b) (1) of this section. If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action consistent with the provisions of this part as may be necessary, in the opinion of the Commission, to prevent further violation of such provisions."

Sec. 15. Section 214 of said act is hereby amended to read as follows:

"Sec. 214. Common or contract carriers by motor vehicle, corporations organized for the purpose of engaging in transportation as such carriers, and corporations authorized by order entered under section 213 (a) (1) to acquire control of any such carrier, or of two or more such carriers, shall be subject to the provisions of paragraphs 2 to 11, inclusive, of section 20a of part I of this act (including penalties applicable in cases of violations thereof): *Provided, however*, That said provisions shall not apply to such

carriers or corporations where the par value of the securities to be issued, together with the par value of the securities then outstanding, does not exceed \$500,000, nor to the issuance of notes of a maturity of 2 years or less and aggregating not more than \$100,000, which notes aggregating such amount including all outstanding obligations maturing in 2 years or less may be issued without reference to the percentage which said amounts bear to the total amount of outstanding securities. In the case of securities having no par value, the par value for the purpose of this section shall be the fair market value as of the date of their issue: *Provided further*, That the exemption in section 3 (a) (6) of the 'Securities Act, 1933' is hereby amended to read as follows: '(6) Any security issued by a common or contract carrier, the issuance of which is subject to the provisions of section 20a of the Interstate Commerce Act, as amended;'

Sec. 16. The proviso of section 216 (g) of said act is hereby amended to read as follows:

Provided, That this paragraph shall not apply to any initial schedule or schedules filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect."

Sec. 17. The proviso of section 218 (c) of said act is hereby amended to read as follows:

Provided, That this paragraph shall not apply to any initial schedule or schedules, or contract or contracts, filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect."

Sec. 18. Section 224 of said act is hereby amended to read as follows:

"Sec. 224. The Commission is hereby authorized, under such rules and regulations as it shall prescribe, to require the display of suitable identification plate or plates, upon any motor vehicle used in transportation subject to any of the provisions of this part, to provide for the issuance of such plates, and to receive the payment by such carriers of the reasonable cost thereof. All moneys so collected shall be paid into the Treasury of the United States. Any substitution, transfer, or use of any such identification plate or plates, except such as may be duly authorized by the Commission, is hereby prohibited and shall be unlawful."

Mr. LA FOLLETTE. Mr. President, may we have an explanation of the bill? It is impossible to tell from the title what the bill is.

Mr. JOHNSON of Colorado. Mr. President, all the provisions of the bill were suggested by the Interstate Commerce Commission for the purpose of perfecting the procedure under the Motor Carrier Act of 1935 to facilitate the performance of the difficult task and its administration. Commissioner Eastman yesterday telephoned from Ohio the following message:

Motor Carrier Division threatened with complete break-down unless these amendments to Motor Carrier Act are acted upon by the Congress.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHEELER. My attention was diverted when the matter came up. The bill is a departmental bill, which was sent to Congress by Commissioner Eastman. He is very strongly in favor of it. We reported it out of the committee with an amendment, which was satisfactory to Commissioner Eastman. If the bill is passed with that amendment in it, I have no objection to it, but I understand the House struck out the amendment. Does the Senator so understand?

Mr. JOHNSON of Colorado. I have two amendments which I desire to offer on behalf of the committee.

The PRESIDENT pro tempore. The first amendment offered by the Senator from Colorado on behalf of the committee will be stated.

The CHIEF CLERK. On page 9, line 1, after the word "that" it is proposed to insert:

If a carrier, as defined in section 1 (3) of part I, or any person which is controlled by such a carrier or affiliated therewith within the meaning of section 5 (8) of part I is an applicant, the Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest by enabling such carrier to use such service by motor vehicle to public advantage in its operations, and will not unduly restrain competition.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment offered by the Senator from Colorado [Mr. JOHNSON] on behalf of the committee will be stated.

The CHIEF CLERK. On page 12, after line 2, it is proposed to insert:

At any hearing involving a rate, fare, charge, or classification, increased or sought to be increased, or involving a rule, regulation, or practice, after the date of approval of this act, the burden of proof shall be upon the carrier to show that the increased rate, fare, charge, or classification, or the rule, regulation, or practice, or the proposed increased rate, fare, charge, or classification, or the proposed rule, regulation, or practice, is just and reasonable.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT pro tempore. Without objection the bill (S. 3606) to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act, otherwise known as the Motor Carrier Act, 1935, will be indefinitely postponed.

MISSOURI RIVER BRIDGE, NEAR ARROW ROCK, MO.

The bill (S. 4173) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Arrow Rock, Mo., authorized to be built by the St. Louis-Kansas City Short Line Railroad Co. by the act of Congress approved March 2, 1929, heretofore extended by acts of Congress approved April 15, 1932, August 30, 1935, and May 24, 1937, are hereby further extended 1 and 3 years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE NEAR ST. CHARLES, MO.

The bill (S. 4174) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near St. Charles, Mo., authorized to be built by the St. Louis-Kansas City Short Line Railroad Co. by the act of Congress approved March 2, 1929, heretofore extended by acts of Congress approved April 15, 1932, August 30, 1935, and May 24, 1937, are hereby further extended 1 and 3 years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

CURTIS AEROPLANE & MOTOR CO., INC.

The bill (H. R. 7144) for the relief of the Curtiss Aeroplane & Motor Co., Inc., was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. SCHWELLENBACH. This bill is another of the so-called N. R. A. bills. The committee has accepted the amount shown by the auditor of the Department.

Mr. KING. Is there a recommendation for payment by those investigating on behalf of the Government?

Mr. SCHWELLENBACH. Yes. The claim was for \$145,000. The Department recommended \$68,000, and the committee reports \$68,000, in accordance with the recommendation of the Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF SACKS MERCANTILE CO., INC.

The bill (S. 675) for the relief of the Sacks Mercantile Co., Inc., was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? If not, let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

D. B. CARTER

The bill (H. R. 9282) for the relief of the estate of D. B. Carter was considered, ordered to a third reading, read the third time, and passed.

CHARLES P. MCCARTHY

The Senate proceeded to consider the bill (H. R. 9569) for the relief of Charles P. McCarthy, which had been reported from the Committee on Claims, with amendments, on page 1, line 6, after the numerals "\$1,600", to insert "and to the Paul Revere Fire Insurance Co., of New York, N. Y., the sum of \$913.44"; and in line 9, after the words "damages to", to strike out "his" and insert "Charles P. McCarthy's", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles P. McCarthy, of Gorham, Maine, the sum of \$1,600, and to the Paul Revere Fire Insurance Co., of New York, N. Y., the sum of \$913.44, in full settlement of all claims against the United States for damages to Charles P. McCarthy's truck and trailer as the result of a collision December 31, 1937, with a Works Progress Administration truck, on College Avenue near Murray Hill Avenue, Atlanta, Ga.: *Provided:* That no part of the amount appropriated in this act shall be paid to or received by any person or company as subrogee of the rights of said Charles P. McCarthy against the United States as the result of said accident, and no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "An act for the relief of Charles P. McCarthy and the Paul Revere Fire Insurance Co."

ROY M. YOUNG

The bill (H. R. 4115) for the relief of Roy M. Young was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7780) to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii," approved June 2, 1932, was announced as next in order.

Mr. REYNOLDS. I object to the consideration of the bill, Mr. President. I should like to have an opportunity to investigate the facts of the matter.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8753) for the relief of the Choctaw Cotton Oil Co., of Ada, Okla., was announced as next in order.

Mr. McKELLAR. May we have an explanation of that bill?

The PRESIDENT pro tempore. An explanation is requested.

Mr. McKELLAR. If there is no explanation, let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7369) to validate certain certificates of naturalization granted by the United States District Court of the District of Hawaii was announced as next in order.

Mr. REYNOLDS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS

The bill (H. R. 10380) to amend the act entitled "An act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia", was considered, ordered to a third reading, read the third time, and passed.

JOHN PATRICK TOTH

The bill (H. R. 10136) for the relief of John Patrick Toth was considered, ordered to a third reading, read the third time, and passed.

PASQUALE LOBRANO

The bill (H. R. 8589) for the relief of Pasquale Lobrano was announced as next in order.

Mr. REYNOLDS. Let the bill go over.

Mr. RUSSELL. Mr. President, House bill 8589 is a special bill for the relief of an alien who, after having lived in this country for some 47 years, went back to Europe for 2 or 3 months, and then returned to this country mentally afflicted, and was confined in an institution in New York. On the ground that he had become a public charge, an order of deportation was issued against him. The man has a wife and three or four children. I think it is one of the most meritorious special cases that ever came to my attention.

Mr. REYNOLDS. I should like to have the bill go over for the present. I shall talk to the chairman of the committee.

The PRESIDENT pro tempore. The bill will be passed over.

OLIN J. SALLEY

The bill (H. R. 1768) for the relief of Olin J. Salley was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7294) for the relief of Bartholomew Harrington was announced as next in order.

Mr. REYNOLDS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ANNA L. ANDREAS AND ANITA ANDREAS

The bill (H. R. 1251) for the relief of Anna L. Andreas and Anita Andreas was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. HAROLD E. THERIAULT

The bill (H. R. 9543) for the relief of Mr. and Mrs. Harold E. Theriault was considered, ordered to a third reading, read the third time, and passed.

MRS. OLIVE FLETCHER CONKLIN

The bill (H. R. 8199) for the relief of Mrs. Olive Fletcher Conklin was considered, ordered to a third reading, read the third time, and passed.

JOSEPH GROSS

The bill (H. R. 7854) for the relief of Joseph Gross was considered, ordered to a third reading, read the third time, and passed.

LONGEVITY PAY OF WARRANT OFFICERS

The bill (S. 23) to reestablish the longevity pay of warrant officers was announced as next in order.

Mr. WHEELER. Let the bill go over.

Mr. SHEPPARD. I shall appreciate it if the Senator will withhold his objection and permit me to make a brief explanation of this measure.

Prior to the 1922 Pay Readjustment Act, warrant officers received longevity pay amounting to 10 percent of their base pay for each 5 years of service, not to exceed 40 percent. The base pay of warrant officers by the 1922 act was increased about 12 percent, but their longevity pay was cut to 5 percent of their base pay, for each 4 years of service, not to exceed 25 percent. The legislation under consideration proposes to reestablish the longevity pay of warrant officers to the amount existing prior to 1922. The legal effect of the enactment of this measure would be to restore to the average warrant officer's longevity pay \$22.20 per month. As recommended to be amended by the committee, the cost of this legislation is reduced from about \$748,378, to about \$209,078. The ultimate annual cost of the measure will be reduced from about \$209,078 to about \$172,000. This is true because approximately 140 warrant officers, who were formerly field clerks, will not be replaced when they retire, and this bill does not as reported by the committee relate to retired warrant officers. These 140 warrant officers are now being carried in excess of the maximum number of warrant officers authorized under basic law, about 640. Therefore,

as these 140 retire, they will not be replaced, and the ultimate number of warrant officers on active duty will be decreased from the present number, about 787, to about 647. A hearing was held on S. 23 by a subcommittee of the Senate Military Affairs Committee, which bill is on the Senate Calendar. An identical House bill, H. R. 3618, passed the House today and is now on the desk.

Mr. WHEELER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 7357) for the relief of Giovanni Raffa, was announced as next in order.

Mr. REYNOLDS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAUL HIRSCHMANN

The bill (H. R. 7039) for the relief of Paul Hirschmann, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6306) to authorize the cancelation of deportation proceedings in the case of Henrietta Vendemmia was announced as next in order.

Mr. REYNOLDS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

The bill (H. R. 6591) to exempt from cancelation certain desert-land entries in Riverside County, Calif., was considered, ordered to a third reading, read the third time, and passed.

RESIDENCE OF UNITED STATES COMMISSIONERS FOR NATIONAL PARKS

The bill (H. R. 5804) to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, there are several bills reported from the Senate Commerce Committee which are now on the calendar, but which are not on the printed calendar, because they were reported today. I ask that they may be considered.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it. Mr. McNARY. Does the request of the Senator from Texas, to which I do not object, conform to the unanimous-consent agreement entered into earlier in the day?

The PRESIDENT pro tempore. It does. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

MUIR WOOD TOLL ROAD, MARIN COUNTY, CALIF.

Mr. JOHNSON of California. Mr. President, there is a House bill on the desk (H. R. 10752) which has been approved by a majority of the committee. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California?

There being no objection, the bill (H. R. 10752) to authorize Federal cooperation in the acquisition of the Muir Wood Toll Road, located in Marin County, State of California, and for other purposes, was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF BRIDGE BILLS

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the bridge bills which are in the usual form, and without amendment, may be considered en bloc.

The PRESIDENT pro tempore. Without objection, the bridge bills will be considered and passed en bloc.

By unanimous consent, House bills of the following titles were severally considered, ordered to a third reading, read the third time, and passed:

The bill (H. R. 10506) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.

The bill (H. R. 10507) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.

The bill (H. R. 10866) authorizing the States of Minnesota and Wisconsin, jointly or separately, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Winona, Minn.

The bill (H. R. 10540) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.

The bill (H. R. 10610) granting the consent of Congress to the Iowa State Highway Commission to reconstruct or construct, maintain, and operate a free highway bridge across the Des Moines River at or near Keosauqua, Iowa.

The bill (H. R. 10670) to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.

The PRESIDENT pro tempore. Without objection, the Senate bill in each case will be indefinitely postponed.

The bill (S. 4158) authorizing the States of Minnesota and Wisconsin, jointly or separately, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Winona, Minn., was ordered to be indefinitely postponed.

ARTHUR ALEXANDER POST, NO. 68, AMERICAN LEGION, BELZONI, MISS.

Mr. SHEPPARD. There is one more bill, Mr. President, which I ask to have considered. It is House bill 10873, which I report back favorably, without amendment, from the Military Affairs Committee. The War Department has no objection to its passage.

There being no objection, the bill (H. R. 10873) to authorize the conveyance to the Arthur Alexander Post, No. 68, the American Legion, of Belzoni, Miss., of the improvements and site containing 18 acres of land, more or less, at lock and dam No. 1 on the Sunflower River, Miss., was considered, ordered to a third reading, read the third time, and passed.

FORD O. GOTHAM AND JAMES M'CUMBER

The bill (H. R. 344) for the relief of Ford O. Gotham and James McCumber was considered, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, are we returning to the calendar?

The PRESIDENT pro tempore. We are now taking up, under the unanimous-consent agreement, bills which have recently come over from the House and have been reported today but which are not on the calendar.

BARTHOLOMEW HARRINGTON

Mr. REYNOLDS. Mr. President, I should like to withdraw my objection to House bill 7294.

The PRESIDENT pro tempore. Without objection, the bill will be considered.

The bill (H. R. 7294) for the relief of Bartholomew Harrington was considered, ordered to a third reading, read the third time, and passed.

EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Mr. WHEELER. Mr. President, the Senator from North Dakota [Mr. FRAZIER], who had to leave last night, asked me if I would call up a bill to which he objected which is on the calendar. It is Calendar No. 1846, House bill 7515. He had previously objected to the bill, but stated that he would have no objection to it provided an amendment were made to it, inserting after the word "boundary," in line 1, page 2, the language of an amendment which I shall have read.

I ask unanimous consent to return to the consideration of Calendar No. 1846, House bill 7515.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill (H. R. 7515) to authorize the sale of certain lands of the Eastern Band of Cherokee Indians, North Carolina.

Mr. WHEELER. I ask to have stated the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 1, after the word "boundary", it is proposed to insert:

Provided, That a separate approval by the Indians as herein provided must be had as to each tract proposed to be sold.

Mr. KING. Mr. President, I should like to ask the Senator from Montana whether objections have been raised by the Indians on this reservation to the policy which, as they claim, is being forced upon them by the Department of the Interior.

Mr. WHEELER. With reference to this particular bill, as I understand, the Indians on the reservation are in favor of it with the amendment which I am offering at the suggestion of the Senator from North Dakota [Mr. FRAZIER] for the purpose of protecting them, so that they will have to vote on every tract of land before it can be sold by the Secretary of the Interior. This amendment is for the purpose of protecting the Indians.

Mr. KING. They need protection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

H. WARD BELL

The bill (H. R. 342) for the relief of H. Ward Bell was announced as next in order.

Mr. KING. Mr. President, when was this bill reported?

The PRESIDENT pro tempore. Today.

Mr. KING. From what committee?

The PRESIDENT pro tempore. From the Committee on Claims.

The bill was considered, ordered to a third reading, read the third time, and passed.

W. GLENN LARMONTH

The bill (H. R. 347) for the relief of W. Glenn Larmonth was considered, ordered to a third reading, read the third time, and passed.

ELIZABETH VRESH (YALGA VRES) AND OTHERS

The bill (H. R. 6820) for the relief of Elizabeth Vresh (Yalga Vres) her son, Frederick Vresh, and her daughter, Sylvia Vresh Bronowitz, was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF BENJAMIN A. PILLSBURY

The Senate proceeded to consider the bill (H. R. 3961) for the relief of the estate of Benjamin A. Pillsbury (William J. Pillsbury, executor).

Mr. KING. Mr. President, what is the amount involved?

The PRESIDENT pro tempore. \$2,989.09.

The bill was ordered to a third reading, read the third time, and passed.

CHOCTAW COTTON OIL CO., ADA, OKLA.

Mr. LEE. Mr. President, a parliamentary inquiry. What happened to Calendar No. 2335, House bill 8753?

The PRESIDENT pro tempore. It was objected to.

Mr. LEE. The record shows, I believe, that the Senator from North Carolina [Mr. REYNOLDS] objected to it; but the Senator from North Carolina tells me that he did not.

The PRESIDENT pro tempore. The Chair does not know who objected. An objection was made, but no record was made of it.

Mr. LEE. I ask unanimous consent to return to that bill. I will withhold the request for the time being, however.

Mr. LEE subsequently said: I now ask unanimous consent to recur to Calendar No. 2335, House bill 8753, for the purpose of having it considered.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (H. R. 8753) for the relief of the Choctaw Cotton Oil Co., of Ada, Okla., was considered, ordered to a third reading, read the third time, and passed.

CERTIFICATES OF NATURALIZATION GRANTED BY UNITED STATES DISTRICT COURT, DISTRICT OF HAWAII

Mr. KING. Mr. President, a few moments ago we passed over Calendar No. 2336, House bill 7369. My friend from North Carolina [Mr. REYNOLDS] interposed an objection to it. He has been further advised, and now has no objection. I ask permission to recur to that bill.

Mr. REYNOLDS. Mr. President, in reference to that bill, I wish to say that I have talked to the chairman of the Immigration Committee of the Senate regarding it, and I withdraw my objection.

The bill (H. R. 7369) to validate certain certificates of naturalization granted by the United States District Court for the District of Hawaii was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF EMPLOYEES OF WORKS PROGRESS ADMINISTRATION

Mr. SCHWELLENBACH. Mr. President, from the Committee on Claims I report back favorably, without amendment, the bill (H. R. 10043) for the relief of employees of the Works Progress Administration whose tools and personal property were damaged or destroyed by fire at Roosevelt Stadium, Jersey City, N. J., and I submit a report (No. 2219) thereon. I ask unanimous consent for its present consideration.

Mr. KING. Let the bill go over. It should be explained.

The PRESIDENT pro tempore. The bill will be passed over, as the Senator from Washington appears to have been called from the Chamber.

Mr. SCHWELLENBACH subsequently said: Mr. President, I ask unanimous consent for the present consideration of House bill 10043, and ask the attention of the Senator from Utah to it.

The PRESIDING OFFICER (Mr. HATCH in the chair). Is there objection to the request of the Senator from Washington?

Mr. KING. Let it be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in accordance with such certifications as may be made by the Works Progress Administrator or his duly authorized representative under this act, the claims of employees of the Works Progress Administration for their privately owned tools and personal property, which, while stored in a Works Progress Administration warehouse, were damaged or destroyed by fire that occurred on March 11, 1937, on a Works Progress Administration project located at Roosevelt Stadium, Droyers Point, Jersey City, N. J.: *Provided*, That such payments as may be made hereunder shall be deemed to be in full settlement of all claims against the United States for said damage to or loss of tools and personal property: *Provided further*, That the total amount that may be paid hereunder by the Secretary of the Treasury in settlement of said claims shall not exceed the sum of \$6,000. No payment shall be made under the provisions of this act unless application therefor shall be filed with the Works Progress Administration by or on behalf of the person entitled thereto within 6 months from the date of approval of this act. The Works Progress Administrator, or his duly authorized representative, shall determine the amount due on any application, and the person entitled thereto under the provisions of this act, and shall certify such determinations to the Secretary of the Treasury for payment of the claims, which determinations shall be final and conclusive upon the accounting officers of the Government: *And provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington [Mr. SCHWELLENBACH]? There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 551) providing compensation for certain employees was announced as next in order.

Mr. KING. Let there be an explanation of the joint resolution. Who reported it?

The PRESIDENT pro tempore. The Senator from Utah asks for an explanation. If there is no explanation, the joint resolution will be passed over.

COMPENSATION OF CERTAIN EMPLOYEES

The joint resolution (S. J. Res. 310) providing compensation for certain employees was announced as next in order.

The PRESIDING OFFICER. This joint resolution was reported by the Senator from South Dakota [Mr. BULOW], and is similar to House Joint Resolution 551. Without objection, the House joint resolution will be substituted for the Senate measure.

The joint resolution (H. J. Res. 551) providing compensation for certain employees was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate Joint Resolution 310 will be indefinitely postponed.

AMENDMENT OF POSTAL LAWS

Mr. McKELLAR. Mr. President, I know that one bill has been omitted—House bill 6168. I saw it on the desk a few moments ago.

The bill (H. R. 6168) to amend section 239 of the act of June 8, 1872 (17 Stat. 312; U. S. C., title 39, sec. 500), was considered, ordered to a third reading, read the third time, and passed.

Mr. McKELLAR. Mr. President, from the Senate Committee on Post Offices and Post Roads I report back Senate bill 4179, without amendment, an exactly similar bill with the same title as the House bill. Now that the House bill has been passed, I ask that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the corresponding Senate bill will be indefinitely postponed.

DISPOSITION OF SURPLUS FISH AND FISH PRODUCTS

Mr. PEPPER. Mr. President, I ask unanimous consent to introduce a bill. I should like to say, by way of explanation, that day before yesterday the Secretary of Agriculture, through Mr. Eldridge, who is in charge of the Agricultural Adjustment Act, had a hearing in Washington of representatives of all the fish dealers of the whole country. At that hearing it was stated to the Secretary that there are \$26,000,000 worth of surplus fish products in this country on storage and a glutted market, and that that amount is in excess of what has been on hand for a 5-year period at this season of the year, so that there is actual distress among the fish dealers of the whole country.

At this late time there is only one possible way in which any relief may be obtained for that great industry throughout the whole country; that is, to make it legally possible for the Federal Surplus Commodities Corporation to purchase fish or sea-food products if, in the discretion of that agency, it is proper for them to do so.

I think it is a meritorious matter. The bill does not commit the Congress to the appropriation of any additional funds. It is left to the discretion of the Surplus Commodities Corporation as to whether or not, for the good of the public interest, this authority shall be exercised.

I ask unanimous consent that the bill may be introduced and considered at this time.

Mr. KING. Mr. President, I should like to ask the Senator a question as to the losses incurred by the Federal Surplus Commodities Corporation. Its losses, I am told, amount to many millions of dollars, and we are now asked to provide for additional losses.

Mr. PEPPER. No, Mr. President; on the contrary—
Mr. KING. That will be the effect.

Mr. PEPPER. If I may explain to the able Senator from Utah, these funds will come out only of funds appropriated to the Federal Surplus Commodities Corporation by the act of June 28, 1937—that is to say, the funds which are allocated from the customs receipts of the country—and the bill does not appropriate any additional funds.

Mr. BARKLEY. Mr. President, will the Senator yield?
Mr. PEPPER. I yield.

Mr. BARKLEY. The Senator will recall that when the relief appropriation measure was before the Senate, the Senator from California [Mr. McAdool] offered and secured the adoption of an amendment authorizing the purchase of \$50,000,000 worth of fish, wheat, and, I believe, other agricultural products. The Senate adopted it, and it went to conference, and the conferees did not agree to it, and eliminated it.

I appreciate the situation to which the Senator from Florida has called attention; but I am wondering, here at the tail end of the session, if we are to consider a bill just being introduced. I wonder, really, whether it is good legislative practice to bring forward a bill which has never been introduced, and introduce it by unanimous consent, and then take it up "pronto" without any consideration of the bill by a committee or by the Senate. I am just wondering whether we ought to do that. If there is some good reason why we should do it, I do not wish to object.

Mr. PEPPER. I am sure I can give a good reason, or I would not have made such an extraordinary request.

In the first place, the bill is simply an enlargement of the existing law. I should be glad to have the bill read for the information of the Senate before further comment is made regarding it.

Mr. BARKLEY. Does the Senator think that if the Senate should pass the bill it would have any chance to get through the House?

Mr. PEPPER. I have some unofficial assurances that that is more than a possibility, Mr. President. I should be glad at least if we might take a chance at it, because it means a great deal to a great industry in this country; and I know many Senators on the floor are interested.

Mr. President, may the bill be read, please?

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. PEPPER. I am glad to yield to the Senator from Connecticut.

Mr. MALONEY. The Senator says, as I understand him, that this bill is an extension of existing law.

Mr. PEPPER. No; if the bill may be read, I am sure the Senator will understand it better than from a summary of its contents. It merely says that the Federal Surplus Commodities Corporation shall have authority to purchase fish, shellfish, or sea foods, or the products thereof. That is all the bill does. It does not appropriate any money. It merely permits that organization, out of funds already appropriated to them from the customs receipts, to purchase these commodities if they find that a glut in the market actually exists to the detriment of the public interest.

Mr. MALONEY. If the Senator will further yield to me—

Mr. PEPPER. I am glad to yield.

Mr. MALONEY. Did we not, in the closing days of the last session, do just some such thing as this for the fishing industry?

Mr. PEPPER. If it is a question of whether or not we should take 2½ minutes to relieve the burdens of a great industry of this country, my answer is distinctly in the affirmative.

Mr. MALONEY. That does not answer the question I asked; but I do not think it is fair, at this late hour in the session, that we should be asked to take action of this kind without evidence, without having the matter considered by a committee, and apparently without a request from the Department.

Mr. PEPPER. Mr. President, I have no right to present the views of the Department, except to say that the Department is certainly desirous of having the power to exercise this authority, and I think it has found a need to exist for it.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order is called for. Under the unanimous-consent agreement already entered into, the Senate will resume the consideration of bills on the calendar.

MARSHALL CAMPBELL AND RAYMOND O'NEAL

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Bill 10895. It is not on the calendar. I wish to make a very brief statement about the request. This measure is merely to perfect a bill which passed both the House and the Senate 2 years ago permitting the estates of two young men killed by a Civilian Conservation Corps truck to file suit in the District Court for not exceeding \$5,000.

Due to a technicality of the Georgia law, which technicality was raised by the district attorney, the suit was dismissed because under the law of Georgia the right of action for the death of a minor reverts only to the mother. The bill does not add anything to any existing law; it merely clears up the technicality I have mentioned. I have discussed the matter with the Senator from North Carolina, who is the chairman of the Committee on Claims, and he is entirely satisfied with it.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection the Senate proceeded to consider the bill (H. R. 10895) to amend an act of Congress approved August 16, 1937, relating to death-damage claims in the cases of Marshall Campbell and Raymond O'Neal, which was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That section 1 of the act of Congress entitled "An act conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claims of the estates of Marshall Campbell and Raymond O'Neal," approved August 16, 1937 (Private Act No. 300, 75th Cong.), is hereby amended to read as follows:

"That jurisdiction is hereby conferred upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment, as if the United States were suable in tort, upon the claims of Hattie Giles Campbell, the mother of Marshall Campbell, and Echalie O'Neal, the mother of Raymond O'Neal, of Greene County, Ga., for damages resulting from the deaths of said Marshall Campbell and Raymond O'Neal by reason of an automobile collision involving a Civilian Conservation Corps truck on August 30, 1935, on the highway between Greensboro and Union Point, Ga: *Provided*, That the suits filed, prior to the enactment of this amendatory proviso, in said district court by the respective mothers and the respective administrators of the estates of the said deceased persons may continue and be maintained by the said respective mothers: *Provided further*, That in the case of the death of either mother before final judgment in her suit, such suit may continue and be maintained by the administrator of the estate of such mother who shall be substituted as plaintiff in her stead: *Provided further*, That the measure of damages to govern in said suits shall be the same as is provided and authorized by the laws of the State of Georgia in the case of a suit by a mother for the homicide of a child: *Provided further*, That the judgment, if any, shall not exceed, in the case of said mother of Marshall Campbell, \$5,000; and in the case of the said mother of Raymond O'Neal, \$5,000."

SEC. 2. The title of such act of August 16, 1937, is hereby amended to read as follows: "An act conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claims for damages on account of the deaths of Marshall Campbell and Raymond O'Neal."

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

LOAN OF ARMY MATERIAL TO AMERICAN LEGION

Mr. WAGNER. Mr. President, in the course of the day a bill came over to the Senate from the House and is now at the desk. It is House bill 10935. I ask unanimous con-

sent for its immediate consideration. The bill will have to be passed at this session or it will be of no use. It merely authorizes the Secretary of War, in his discretion, to lend to the American Legion of New York, for use at the convention of the American Legion in 1938, such tents, cots, blankets, and other available stock out of the Army and National Guard supply as such organization may require to house properly the legionnaires attending the convention.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read.

The bill (H. R. 10935) to authorize the Secretary of War to lend War Department equipment for use at the convention of the American Legion of New York during the month of August 1938 was read twice by its title.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. HUGHES. Mr. President, at the request of the senior Senator from New York [Mr. COPELAND], who is not present today on account of illness, I ask that the Senate return to Calendar No. 1540.

Mr. LA FOLLETTE. Mr. President, we are going to have a call of the calendar from the beginning when we finish with the other bills, and I do not think it is fair to take bills out of order. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. MCGILL. Mr. President—

Mr. McNARY. I call for the regular order under the unanimous-consent agreement.

Mr. RUSSELL. I understood that bills which came over from the House and were reported by committees were to be considered.

The PRESIDENT pro tempore. Such bills are in order.

NATURALIZATION OF ALIENS

Mr. RUSSELL. There is a measure on the desk, House Joint Resolution 681, which has been reported from the Committee on Immigration, in which the State Department and the Department of Labor are very much interested. It is a very important measure.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 681) to amend the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the second paragraph of the fourth subdivision of section 4 of the Naturalization Act of June 29, 1906 (U. S. C., title 8, sec. 382), as amended by section 1 of the act of June 25, 1936 (49 Stat. 1925), is amended to read as follows:

"Absence from the United States for a continuous period of more than 6 months and less than 1 year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition, and the date of final hearing, shall be presumed to break the continuity of such residence, but such presumption may be overcome by the presentation to the naturalization court of satisfactory evidence that such individual had a reasonable cause for not returning to the United States during such absence. Absence from the United States for a continuous period of 1 year or more during the period for which continuous residence is required for admission to citizenship immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except, that in the case of an alien—

"(a) who has been lawfully admitted into the United States for permanent residence,

"(b) who has resided in the United States for at least 1 year thereafter, and

"(c) who has made a declaration of intention to become a citizen of the United States, who shall be deemed an eligible alien for the purposes of this paragraph and who thereafter has been sent abroad as an employee of or under contract with the Government of the United States, or who thereafter proceeded abroad as an employee or representative of, or under contract with an American institution of research recognized as such by the Secretary of Labor, or as an employee of a firm or corporation engaged

in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or any such eligible alien as above defined who has proceeded abroad temporarily and has within a period of 1 year of his departure from the United States become an employee or representative of, or who is under contract with such an American institution of research, or has become an employee of such an American firm or corporation, no such absence shall break the continuity of residence in the United States if—

"(1) Prior to the beginning of such absence, or prior to the beginning of such employment, contract, or representation on behalf of an American institution of research or an American firm or corporation as aforesaid, such alien has established to the satisfaction of the Secretary of Labor that his absence for such period is to be on behalf of such government or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged solely or principally in the development of such foreign trade and commerce, or whose residence abroad is necessary to the protection of the property rights abroad of such firm or corporation; and

"(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

"An alien who has been lawfully admitted into the United States for permanent residence, and who is the wife or husband of a citizen of the United States so engaged abroad within one of the above-mentioned categories shall be considered as residing in the United States for the purpose of naturalization notwithstanding any absence from the United States.

"This amendment shall not affect cases of aliens who prior to the date of its enactment have established to the satisfaction of the Secretary of Labor, pursuant to an act entitled 'An act to amend the naturalization laws in respect of residence requirements, and for other purposes', approved June 25, 1936, that absence from the United States was to be or had been for the purpose of carrying on activities described therein."

PENSIONS TO WIDOWS OF SURVIVORS OF BATTLESHIP "MAINE"

Mr. MCGILL. Mr. President, I ask that the Senate proceed to the consideration of House bill 8434, which has passed the House of Representatives, and which the Senate Committee on Pensions has reported favorably.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 8434) to liberalize the laws providing pensions for the dependents of veterans whose death resulted from service prior to April 21, 1898, which was read, as follows:

Be it enacted, etc., That on and after the 1st day of the month following the month in which this act is enacted persons entitled to pension under the provisions of the general pension law, for death resulting from services prior to April 21, 1898, shall be entitled to pension at the rates provided by paragraph III of Part II of Veterans' Regulation No. 1 (a), as amended: *Provided*, That this act shall not be so construed as to reduce any pension under any act, public or private.

Mr. KING. Mr. President, let us have an explanation.

Mr. MCGILL. I will briefly explain the bill, if I may have the attention of the Senator from Utah.

This is a measure which would affect about 550 persons who are the widows of those who served in the Regular Establishment of the Navy prior to 1898, April 21. The cost to the Government will be about \$69,000 a year. It will affect only persons past 72 years of age, who are now drawing pensions at the rate of \$12 a month.

Mr. KING. Does not the present pension law entitle them to larger pensions than that?

Mr. MCGILL. No. These men were members of the Regular Establishment, and their widows draw pensions at the rate of \$12 a month under existing law. This would give them an increase, and would increase the cost to the Government by about \$69,000 a year.

Mr. KING. Will it not lead to a demand by all other persons in the Regular Establishment—and I suppose there are hundreds of thousands of them—for increases in their pensions?

Mr. MCGILL. I think not. This affects only those who served prior to April 21, 1898.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

IMPORTATIONS OF TEXTILES

Mr. GEORGE. Mr. President, a few days ago I made some remarks in the Senate concerning imports of textiles, particularly from Japan, including rayon and woolen textiles as well as cotton textiles. I gave notice at that time that I would ask for certain official information from the departments of the Government. I did not prepare a formal resolution because the departments of the Government have furnished me the information, and I desire to enter in the RECORD certain of the information which came to me from the State Department, but not as an official State Department document. I ask unanimous consent that I may have the privilege of having printed in the RECORD the information concerning imports of textiles from Japan.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

The following facts and comments are presented regarding recent imports of cotton and rayon textiles from Japan and their implications for the American textile industry.

IMPORTS OF COTTON TEXTILES

1. Although the value of imports of our cotton manufactures from Japan rose from \$1,300,000 in 1932 to \$11,800,000 in 1936 and probably exceeded \$13,000,000 for 1937 as a whole, the marked falling off in such imports has been apparent in every month since last October, as shown by the following table:

1937	
October	\$1,157,000
November	1,130,000
December	858,000
1938	
January	738,000
February	550,000
March	316,000

This decline is mainly attributable on the one hand to shortages of raw-cotton supplies and sharply rising costs in the Japanese cotton-manufacturing industry, and on the other hand to large inventories and lower prices of cotton goods in this country.

A specific deterrent to imports of cotton goods from Japan exists in the issuance by the Bureau of Customs in February of this year of a notice of suspicion of dumping with respect to imports of cotton manufactures from Japan, which means that importers must deposit a bond equivalent to 100 percent of the value of such imported articles pending the determination of the Treasury Department's investigation of suspected indirect subsidization of such exports from Japan.

2. Although the cotton textile agreement negotiated by the American cotton-textile industry with the Japanese in January 1937 provided for a basic quota of 155,000,000 square yards on shipments of cotton piece goods from Japan to continental United States during 1937 (based on reported volume of unfilled contracts on hand at the date of the agreement), actual shipments of cotton cloth to continental United States during 1937, as reported by the Japan Cotton Yarn and Cloth Exporters Union, amounted to only 123,776,000 square yards (and including shipments to Puerto Rico and Hawaii, to 138,432,000 square yards). The extent to which actual shipments fell below the reported volume of contracts for 1937 delivery indicates considerable cancellation of orders due to difficulties in delivery, rising costs in Japan, and possibly in some cases to the influence of anti-Japanese sentiment in this country.

Although imports of cotton piece goods from Japan in 1937 reached the peak figure of 147.4 million square yards (including entries into bonded warehouses), they were equivalent to only 1.6 percent of the total domestic cotton cloth output of 8,991,000,000 yards, as estimated for 1937 by the Association of Cotton Textile Manufacturers of New York. During the first quarter of the present year imports of cotton cloth from Japan were little more than one-fifth of the volume of entries in the corresponding quarter of 1937 (2,688,000 yards compared to 12,941,000).

3. Figures supplied by the United States Tariff Commission show that imports of cotton fish netting from Japan in the first 4 months of 1938 amounted to 163,963 pounds, or slightly less than entries of 165,049 pounds in the corresponding period of 1937. Dr. Murchison, president of the Cotton Textile Institute, reports that the Osaka cotton-textile agreement with Japan set up a continuing joint committee of the two textile industries for dealing with shipments of cotton manufactures other than piece goods and that the cotton fish net manufacturers in this country are preparing a brief for the use of the joint committee and that an agreement on this item is in prospect.

4. Dr. Murchison also states that on the whole the American cotton textile industry is in a much better position vis-à-vis Japanese competition at the present than at any time during the past few years, due chiefly to rising costs in Japan and lower prices in the United States. This is demonstrated by recent

changes in the proportion of cotton piece goods imported into the Philippine Islands from Japan and the United States. In the first quarter of 1937 arrivals in that market from Japan amounted to 14,307,000 square meters and from the United States 6,533,000 square meters. In the same quarter of the present year the corresponding figures were 8,811,000 from Japan and 17,106,000 from the United States, thus showing a 38-percent reduction in such entries from Japan and a 160-percent increase in arrivals from the United States.

RAYON IMPORTS

1. Although imports of rayon semi and finished manufactures from Japan rose from \$2,602,000 in 1936 to \$4,595,000 in 1937, about two-thirds of the value of the latter was accounted for by imports in the form of rayon filaments (staple fiber) and rayon waste for use by domestic spinners of rayon yarns and tops, and only one-fifth (\$940,000) in the form of finished rayon wearing apparel. According to Japanese trade statistics, only 1 percent of total exports of Japanese rayon tissues in 1937 was shipped to the United States, which may be taken as indicative of the effectiveness of the present tariff on such articles.

2. Staple fiber exported from Japan is produced chiefly from imported wood pulp, of which shipments to Japan from the United States in 1937 were valued at \$14,312,000, or more than seven times the value of imports of staple fiber (\$2,000,000) from that country in the same year. The quantity of the latter (11,689,000 pounds) was equivalent to less than 4 percent of the consumption of 300,000,000 pounds of rayon yarn by American mills in 1936, as reported by the Textile Organon.

3. Imports of staple fiber from Japan in 1937 were nearly twice as great in volume as in 1936; entries from that country during the present year have been on a greatly reduced scale. According to the United States Tariff Commission, imports of staple fiber from Japan during the first 4 months of 1938 amounted to only 244,000 pounds, compared to 5,418,000 pounds in the same period of 1937—a decline of 95 percent in volume. This again may be attributed largely to restrictions on wood-pulp imports and rising costs in Japan and to reduced consumption and lower prices in the United States.

The foregoing facts serve to demonstrate that the difficulties confronting Japanese textile manufacturers and exporters arising out of Japan's absorption in military effort, the extending range of governmental controls and rising industrial costs, in conjunction with reduced consumption, falling prices, and more intense domestic competition in the United States, are operating in themselves to check, at least temporarily, the effectiveness of Japanese competition in relation to the American textile industry.

SIGNING OF BILLS AND JOINT RESOLUTIONS

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of a House concurrent resolution which has just come to the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives of which the Senator from Kentucky asks immediate consideration.

There being no objection, the concurrent resolution (H. Con. Res. 66) was read and agreed to, as follows:

Resolved, etc., That, notwithstanding any recesses of the Senate or House of Representatives or the adjournment of the third session of the Seventy-fifth Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

FILLING OF VACANCIES ON SPECIAL OR JOINT COMMITTEES

Mr. BARKLEY. Mr. President, I ask unanimous consent that during any recess or adjournment of the Congress the Vice President may be authorized to fill any vacancies on special committees or joint committees authorized to be appointed by the Senate or the Congress.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RELIEF EXPENDITURES

Mr. WAGNER. Mr. President, at the time the relief bill was before the Senate I offered an amendment providing for the appropriation of an additional \$300,000,000 for slum clearance, and also for a provision modifying the 10-percent requirement for localities in connection with the cost of projects. That particular provision was eliminated by the conferees. I ask that as a part of my remarks there may be printed in the RECORD an explanatory statement of the reason for offering the amendments.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

When, on June 3, I introduced, and the Senate adopted, an amendment in the form of a new title VI to the joint resolution on relief, I was motivated by a desire to carry out the President's objective of accelerating the program of the United States Housing Authority. In view of the fact that the conferees have eliminated one important section (sec. 603) of title VI, I feel that a statement on my part concerning this change would be in order.

It will be recalled that as the United States Housing Act of 1937 was adopted, the Authority was restricted in making loans to 90 percent of a project's development cost. This limitation appears in section 9 of the United States Housing Act, the relevant portion of which reads as follows:

"In the case of annual contributions in assistance of low rentals as provided in section 10 the total of such loans outstanding on any one project and in which the Authority participates shall not exceed 90 percent of the development or acquisition cost of such project."

The effect of this limitation has been to delay the actual undertaking of projects, due to the time consumed in the necessary negotiations by the local housing authorities in raising their 10 percent participation in the project's cost. Since the act limited the U. S. H. A.'s loan to 90 percent on projects in which (to use the language of the act) the U. S. H. A. participates, the local housing authorities have been casting about for ways of obtaining the other 10 percent which was needed to finance the development of the project. Obviously, there was no large amount of idle cash available in the treasuries of the local political subdivisions, so that the local housing authorities generally had to look elsewhere for funds to supply 10 percent of the project cost. Faced with the legal and financial difficulties involved in raising this 10 percent in the form of cash, local housing authorities have resorted to the only other expedient available if they were (and are) to have any housing program at all. This expedient has been through the sale of obligations by the local housing authority representing their 10 percent participation.

As I have said, the details in working out these bond issues have often proved costly, particularly in terms of time, and it was for this reason that one of my amendments would have authorized the U. S. H. A. to make 100-percent loans in the first instance, with a provision that before any annual contributions were made, the total amount of the loans of U. S. H. A. outstanding must be reduced to not more than 90 percent of the project's cost. Since under such an amendment, the original loan by the Authority would be for the full development cost of the project, there would be no bonds for the project's construction sold to purchasers other than the U. S. H. A. As a result, with no financial participation in the project possible other than that by the U. S. H. A., my amendment also removed the words "and in which the Authority participates" which appear in that portion of section 9 of the United States Housing Act which relates to loans where annual grants are to be made.

The amendments which have been approved, however, do make clear one point which has been discussed frequently; that is, the power of the U. S. H. A. to make a 90-percent loan on a project, with the local 10-percent participation being by way of a loan from purchasers other than the U. S. H. A., such loan to be payable from the revenues of the project and from that portion of the Federal annual contributions remaining after applying them to the debt service on the Federal loan. Not only was such an arrangement possible by virtue of the language of section 9 of the act as it was originally enacted, but the amendment to section 10 of the act confirms the propriety of 100-percent loans against a project, 90 percent by the U. S. H. A. and 10 percent by others. Thus, the new section 10 (f) recognizes the fact that there may be two types of bonds (those purchased in the first instance by the U. S. H. A. and those purchased by others), by providing that annual contributions must first be applied to the interest or principal payments on loans due the Authority, although the annual contributions are pledged for any loans obtained by a public-housing agency.

Prior to the adoption of House Joint Resolution 679, many Members of Congress have discussed with me the purpose of certain other provisions in the amendments to the United States Housing Act, which have now been included as title VI of that joint resolution. Knowing that some of the more technical aspects of these amendments will be of interest to Members of Congress, I am including in the record a brief statement containing a summary of some of the points raised in these discussions.

In addition to the fact that these amendments increase the program of the United States Housing Authority by making immediately available an authorization of \$800,000,000 in bonds and an authorization of \$28,000,000 in annual contributions contracts, these amendments contain provisions which (to quote from the report on S. 4023 by the Committee on Education and Labor, Calendar No. 2056) "would aid the resale and marketability of bonds purchased by the U. S. H. A. from local housing agencies."

Under the new subsection (f) of section 10 (which is added by sec. 601 of the joint resolution), payments under annual contributions contracts are to be pledged as security for any loans obtained by local housing authorities to assist the development of the housing project to which the annual contributions relate. Thus, if the New York City Housing Authority proposes to construct a \$10,000,000 project and to issue its bonds to finance the

entire cost of that project, the payments under the annual contributions contract relating to that project (which may include developments on more than one site) would be pledged as security for the \$10,000,000 loan. Since the act limits the U. S. H. A.'s loan to 90 percent on projects in which the U. S. H. A. participates, the New York City Housing Authority would have to sell at least 10 percent of this \$10,000,000 bond issue to purchasers other than the U. S. H. A.

While the negotiations for the sale of these bonds on satisfactory terms will require time, the New York City Housing Authority should experience little difficulty in consummating such a sale, particularly in view of the fact that the bonds would be payable not only from the revenues of the project, but additionally payable from the annual contributions which are a direct obligation of the United States Government.

The amendment would aid and protect the financial position of the U. S. H. A. in its loan transactions. It is important that the U. S. H. A. obtain adequate security for its loans to local housing authorities, since the U. S. H. A. must look to repayments on these loans in order to meet the debt service on the bonds which it will issue to raise funds for these loans. To this end section 10 (f) provides that even though payments under annual contributions contracts are to be pledged as security for the loan of the local housing authority to finance the full cost of the project, the Federal annual contributions relating to the project shall be used first to apply toward the payment of interest or principal as same mature on any bonds purchased by the U. S. H. A. from the local housing authority. In other words, if \$1,000,000 or more of the above-mentioned \$10,000,000 bond issue of the New York City Housing Authority are sold to purchasers other than the U. S. H. A. the annual contributions must be used first to apply toward the payment of interest or principal as the same mature on the \$9,000,000 or less of this bond issue which is purchased by the U. S. H. A.

It is to be expected that the U. S. H. A. will be able to resell all or a part of these \$9,000,000 of bonds which it purchases from the New York City Housing Authority, and, to aid the marketability of these bonds, the first pledge of the annual contributions would attach as an incident to the bonds and inure to the benefit of any future holders of those bonds. Thus the bonds purchased by the U. S. H. A. would not lose the benefit of this first pledge of the annual contributions upon their resale by the U. S. H. A., but would continue to have the benefit of this pledge on a parity with any of the \$9,000,000 of bonds which are retained and not resold by the U. S. H. A.

As a result of these provisions, the U. S. H. A. has a threefold protection so far as the security and value of the bonds which it purchases from the local housing authorities: First, the bonds carry a prior pledge of the annual contributions, as explained above; second, the bonds are additionally payable from the revenues of the project, and these revenues are assured because the demand and need for low-rent housing is so greatly and pitifully in excess of the amount of such housing which can be supplied under the present program; and third, the bonds will be readily marketable due to the fact that they are so well secured and that the benefit of this security will inure to purchasers of all or a part of the bonds upon a resale by the U. S. H. A.

PRINTING OF BANKRUPTCY LAW

Mr. HAYDEN from the Committee on Printing, reported a resolution (S. Res. 306), which was considered by unanimous consent and agreed to, as follows:

Resolved, That the bankruptcy law of the United States, as amended up to July 1, 1938, be compiled, revised, and printed as a Senate document.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, it seems to me that requests and motions which are not included on the calendar can be taken up and disposed of after we have gone through with the program to which the Senate gave unanimous consent earlier in the day. I, therefore, ask for the regular order, and that we remain on the regular order until it is concluded.

GIOVANNI RAFFA

Mr. WHEELER. Mr. President, a short time ago I objected to the consideration of Calendar 2349, House bill 7357, for the relief of Giovanni Raffa. Since that time I have learned something with reference to the bill, and I withdraw my objection.

The PRESIDENT pro tempore. The Senator from Montana withdraws his objection to Calendar No. 2349, House bill 7357.

CONSIDERATION OF BRIDGE BILLS

The following House bills were each read twice by their titles, considered, ordered to a third reading, read the third time, and passed:

A bill (H. R. 10632) authorizing the Port Authority of Duluth, Minn., and the Harbor Commission of Superior, Wis., to construct a highway bridge across the St. Louis River from Rices Point in Duluth, Minn., to Superior in Wisconsin; and

A bill (H. R. 10842) creating the Cassville-Guttenberg Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Cassville, Wis., and Guttenberg, Iowa.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The PRESIDENT pro tempore. The clerk will call the first order of business on the calendar.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as the first order of business on the calendar.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HARRISON. Mr. President, did someone object to Senate bill 419?

The PRESIDENT pro tempore. Objection was interposed.

The bill (S. 2106) for the allowances of certain claims not heretofore paid, for indemnity for spoiliations by the French, prior to July 31, 1801, was announced as next in order.

Mr. BURKE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1760) to promote the safety of scheduled air transportation, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2410) to amend the Judicial Code, as amended, was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2024) to amend the civil-service law to permit certain employees of the legislative branch of the Government to qualify for positions under the competitive classified civil service, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 178) consenting to an interstate compact relating to flood control in the Merrimack River Valley, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1351) to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry, was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1424) to repeal that provision in the act of March 2, 1917 (39 Stat. L. 976), directing the making of allotments to Indians of the Mission Indian Reservation, Calif., was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 177) requesting recommendations from the Tariff Commission concerning rates of duty on textile imports, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1443) to designate the month of February in each year as the Month of American Music, was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 216) favoring governmental adjustment of the purchasing power of the dollar so as to attain 1926 wholesale commodity price levels, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 475) to establish a Court of Patent Appeals was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 207) providing for an investigation of the National Labor Relations Act by the National Labor Relations Board was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 2829) authorizing more complete development of that portion of Santa Rosa Island conveyed to

the county of Escambia, State of Florida, by the Secretary of War was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2864) to correct the military record of Clayton R. Miller was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1634) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 973) for the relief of the city of Baltimore was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 684) for the relief of the city of New York was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1291) for the relief of the State of Connecticut was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 21) directing the Comptroller General to readjust the account between the United States and the State of Vermont was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

BENJAMIN WEISENBERG

The bill (H. R. 3389) for the relief of Benjamin Weisenberg was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HUGHES. Mr. President, I trust the Senator will withdraw his objection to House bill 3389 and let it be passed. When the bill came up a few days ago the Senator from Utah [Mr. KING] objected. It is a bill for the relief of a man by the name of Weisenberg, who in Ellenville, N. Y., was driving an automobile and in the press was stopped and he got out and was trying to push it out of line, when a truck of the Department of Agriculture came along. It was stated in the testimony that the driver was in a hurry to get to Boston, and he pushed himself in and broke the leg of this man in two or three places. The committee thought it was a very worthy case, and recommended the allowance of a thousand dollars. I do not think the Senator from Utah would object to it now.

The PRESIDENT pro tempore. Is there objection to the consideration of House bill 3389?

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2369) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

LONGEVITY PAY FOR WARRANT OFFICERS

Mr. WHEELER. Mr. President, a few moments ago I objected to the consideration of Order of Business 2348, Senate bill 23, to reestablish the longevity pay of warrant officers. I understand that by mistake I was understood to withdraw my objection to Order of Business 2349. The Senator from North Carolina [Mr. REYNOLDS] was the one who objected to the consideration of that order of business. I objected to the consideration of Senate bill 23, and desire to withdraw my objection.

The PRESIDENT pro tempore. There is a House bill on the same subject which the Chair lays before the Senate.

The bill (H. R. 3618) to reestablish longevity pay of warrant officers, was read the first time by title, and the second time at length, as follows:

Be it enacted, etc., That such part of section 4a of the act approved June 4, 1920 (41 Stat. L. 759), amending the National Defense Act, which provides that warrant officers of the Army shall be entitled to longevity pay "under the same conditions as commissioned officer," who then received for that purpose an addition of 10 percent of their base pay for each 5 years of service, not to exceed 40 percent, and that such part of chapter IX of the act approved July 9, 1918 (40 Stat. L. 881-882), establishing the grade of warrant officers of the Army, Army Mine Planter Service, which provided that such warrant officers "shall receive longevity pay as now provided by law for officers of the Army" shall, on and after the approval of this act, be reestablished, in lieu of the addition provided for in section 9 of the act approved June 10, 1922 (42 Stat. L. 629), which provides that warrant officers shall receive as a permanent addition to their pay, an increase of 5 percent of their base pay, for each 4 years of service, not to exceed 25 percent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the House bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 23 is indefinitely postponed.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (H. R. 8202) to provide for the reorganization of agencies of the Government was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 613) to provide for the temporary operation by the United States of certain steamships, and for other purposes, was announced as next in order.

Mr. BARKLEY. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 3559) to amend the Civil Service Retirement Act of May 22, 1920, as amended, to extend retirement to certain employees of certain Indian schools was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 281) to postpone the effective date of the Rules of Civil Procedure for the District Courts of the United States, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

BILL INDEFINITELY POSTPONED

The bill (S. 3354) to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes,' approved May 15, 1928", approved June 15, 1936, was announced as next in order.

Mr. OVERTON. Mr. President, the provisions of this bill have been superseded by the flood-control bill which has just been passed and is now in conference, and I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

Mr. LA FOLLETTE. Mr. President, if the Senator will wait until the end of the session it will be indefinitely postponed.

Mr. OVERTON. I ask that the bill be indefinitely postponed now.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 2344) to provide for the regulation of the sale of certain securities in interstate and foreign commerce, and the trust indentures under which the same are issued, and for other purposes, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3010) to repeal and reenact section 83 of the Judicial Code as amended, relating to Federal court districts in the State of Kentucky, was announced as next in order.

Mr. BURKE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3510) amending section 202 of the Agricultural Adjustment Act of 1938, relating to new uses and new markets for farm commodities, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6830) to prohibit the exportation of tobacco seed and plants, except for experimental purposes, was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3397) to amend title 45, chapter 2, section 51, of the Code of Laws of the United States was announced as next in order.

Mr. REYNOLDS. Mr. President, I should like to call the attention of the Senate to Order of Business 1687, which I did not hear the clerk call. It is House bill 6391.

The PRESIDING OFFICER. The Senator from Washington [Mr. SCHWELLENBACH] has made a separate motion with respect to that bill, which is pending.

Mr. REYNOLDS. It is my understanding that the motion of the Senator has lost its status.

Mr. SCHWELLENBACH. Mr. President, I inquire whether the Senator from North Carolina is insisting that the measure be passed.

Mr. REYNOLDS. No, Mr. President; I am objecting to its passage.

BILL PASSED OVER

The bill (S. 3873) to authorize the construction and operation of an auditorium in the District of Columbia was announced as next in order.

Mr. McNARY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

GIOVANNI RAFFA

Mr. RUSSELL. Mr. President, I reported House bill 7357, for the relief of Giovanni Raffa. I understand the Senator from North Carolina objected when it was reached on the calendar.

Mr. REYNOLDS. I objected to that a moment ago when it was called.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The Chair will state that the Senator from Montana [Mr. WHEELER] said he withdrew his objection to Calendar No. 2349, House bill 7357. Then

he asked for the consideration of Calendar 2348, Senate bill 23, and it was considered and passed.

Mr. REYNOLDS. When Calendar No. 2349 was called I entered an objection. There was some confusion. The Clerk was under the impression that the Senator from Montana objected to No. 2349. That was erroneous. I objected to 2349, and my objection, I assume, still stands.

The PRESIDENT pro tempore. It does.

LONG-AND-SHORT-HAUL CLAUSE

The bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ASHURST. Mr. President, what action was taken on the bill just reached on the calendar?

The PRESIDENT pro tempore. The bill went over.

Mr. BARKLEY. Is that the long-and-short-haul measure, or the Pettengill bill?

Mr. KING. It has gone over.

The PRESIDENT pro tempore. It is the so-called Pettengill bill.

Mr. BARKLEY. Mr. President, I had hoped that we might obtain consideration of that bill at this session of Congress. It passed the House several months ago. It has been on the calendar for several months, having been favorably voted on by the Committee on Interstate Commerce.

There is considerable opposition to the measure, as I understand. The Senator from Montana [Mr. WHEELER], the Senator from Arizona [Mr. ASHURST], the Senator from Nebraska [Mr. NORRIS], the Senator from Idaho [Mr. BORAH], and others have announced that they would speak at great length against the measure—in fact, indulge in what might be called a filibuster.

Mr. BORAH. No; the Senator from Idaho did not say he would do that. He said he wanted full debate on the measure.

Mr. BARKLEY. In view of the well-known ability of the Senators who have announced their wish to filibuster as long as they had any breath in their bodies, it has not been deemed wise to attempt to bring the bill out ahead of measures that were urgent and necessary, because it was not desired that they be defeated through any prolonged debate upon this controversial question.

I wish to say to the Senator from Arizona and to other Senators, as a member of the Committee on Interstate Commerce, which reported this bill, that I had hoped to be able to vote for it and secure its passage, but in view of the circumstances which have existed with reference to this proposed legislation from the time it was reported until now, it is obvious that we will not have the time necessary, if there is to be an extended debate, to secure the enactment of this meritorious measure.

Mr. ASHURST. Mr. President, there is no Senator here for whose intellectual integrity I have greater respect than that of the able senior Senator from Kentucky [Mr. BARKLEY]. In assuming his arduous duties as leader of the majority, he has led his party with fidelity and ability, and I must at this closing hour of Congress congratulate his State and the Senate and the country that such a man as ALBEN BARKLEY is in the Senate.

It has been my habit to follow his leadership without shadow of turning, but I must depart from his leadership in this instance. [Laughter.] He said the Pettengill bill was a meritorious measure. Mr. President, in my judgment, while there are two sides to all questions, this bill has no merit. And while I made no threat, I did join with other Senators, including my colleague the able junior Senator from Arizona [Mr. HAYDEN] in the announcement that we felt that we would be recreant to our people, recreant to this Nation, if we were to allow this Pettengill bill to pass.

When the transcontinental railroads were built, beginning, say, with the driving of the last spike on the Union Pacific

in 1869, the railroads in respect to rates ran riot until 1910, at which date so-called fourth section relief was adopted.

I do not now make any apologies for a filibuster. When I came to the Senate, 26 or more years ago, I inveighed against the rule which permitted a filibuster, but having had a taste of a majority riding roughshod over my State, I bowed to facts, and I am no longer an apologist for a filibuster; I am a protagonist of filibusters; I believe that one of the features that makes the Senate worthy and gives the Senate an exalted tone is its power to filibuster against the passage of unfair laws. This is one of the few forums of freedom remaining in this troubled world, Senators. When you put up bars against unlimited debate, you have no longer a forum of freedom, and you have instead a Chamber of eagles with their wings clipped; you have only a house of lions with their teeth drawn and claws clipped. I should not care to serve in such a body. So I served notice that the opponents of the so-called Pettengill bill would lie in wait in the rocky passes of the Senate rules and discuss this Pettengill bill.

I congratulate the able Senator from Kentucky [Mr. BARKLEY] on being realistic enough to know that it would be a waste of time to attempt to pass the so-called Pettengill bill, which repeals the fourth section relief.

I have said probably all that I ought to say. [Laughter.]

Mr. BARKLEY. Mr. President, what I said a while ago was not said in criticism of the Senator from Arizona. I recognize his right and the right of other Senators by any legitimate means to prevent passage of legislation which they oppose. But having a good memory and having heard the Senator earlier in the session announce his purpose, I simply wanted also to announce in view of that announcement that it would be futile now to attempt at this stage of the session to secure the passage of this measure. If I have misquoted the Senator with respect to his speaking as long as he has breath, I am sorry. I meant only to emphasize that if he did that and retained his breath as long as we all hope he will have it in the years to come, it would be an interminable debate.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ASHURST. I have not the slightest resentment, and I could not justly have any, against my able leader for bringing up this bill. Rather I think it was his duty as leader on the majority side, especially after a bill has been reported by a committee, to call the Senate's attention to the bill. So the Senator must not absorb the idea that I am irritated—

Mr. BARKLEY. Oh, no.

Mr. ASHURST. Because he intimated that the bill should be considered. In fact I am in certain circumstances eager to have the bill considered because when it is considered its viciousness—may I say its foulness—will be so evident, that it will collapse from its own inherent weakness.

Mr. McNARY. Mr. President, I demand the regular order.

Mr. BARKLEY. Mr. President, I thank the Senator from Arizona for his very generous remarks about me, and express the hope that I may have enough money to have them printed and circulated all over Kentucky. [Laughter.]

REVISION OF BOUNDARIES, COLONIAL NATIONAL HISTORICAL PARK, VA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3560) to revise the boundaries of the Colonial National Historical Park in the State of Virginia, and for other purposes, which was, on page 2, line 1, after the word "through", to insert "or around."

Mr. BYRD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NAVAL PETROLEUM AND OIL-SHALE RESERVES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill

(S. 1131) to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, which were, on page 2, line 4, to strike out all after "reserves" down to and including "reserves", in line 5; on the same page, line 8, after "discretion", to insert "subject to approval by the President"; on page 5, line 2, after "Navy", to insert a comma and "subject to approval by the President"; on the same page, line 14, to strike out the comma and "naval oil-shale"; on the same page, line 20, after "Navy", to insert a comma and "subject to approval by the President"; on page 6, lines 4 and 5, to strike out the comma and "naval oil-shale reserves"; on the same page, line 11, to strike out the comma and "the naval oil-shale reserves"; on the same page, line 24, after the word "thereof", to insert a colon and "Provided, That nothing herein contained shall be construed to permit the development, or operation of the naval oil-shale reserves."

SEC. 2. Nothing herein contained shall be construed as validating, acquiescing in, or giving color to any claim of any person, natural, governmental, or corporate, other than the United States, to any right, title, or interest in any lands or interests therein claimed, or which may be claimed, by the United States, or as preventing or interfering with the accrual of any right to damages or cause of action in favor of the United States against any person whomsoever.

And on page 7, line 1, to strike out "2" and insert "3."

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

INVESTIGATION OF BROADCASTING INDUSTRY

The resolution (S. Res. 149) authorizing an investigation and study of the broadcasting industry, of broadcasting in the United States, and of interstate and foreign communication by radio was announced as next in order.

Mr. McKELLAR. I ask that the resolution be passed over.

Mr. McNARY. Mr. President, I hope the Senator will withdraw his objection. The able Senator from Maine [Mr. WHITE] made a very impressive speech on the worthiness of this resolution. It has been reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate. The investigation should be made. If it is made, it will be made for the purpose only of using it as a basis for legislation in the future. I hope the Senator will withdraw his objection.

Mr. BARKLEY. The resolution should go over.

The PRESIDENT pro tempore. The resolution will be passed over.

Mr. WHEELER. Mr. President, I simply wish to say a word with reference to the investigation of the radio industry. The subject is one which needs study. There has not been a study of a constructive nature made of the radio industry for many years. At least one member of the Federal Communications Commission went so far, I am told, as to say that there ought to be an investigation made of the Radio Commission itself. But certainly a study of radio ought to be made by a committee. I regret exceedingly that this matter should be held up at this time.

RESOLUTION PASSED OVER

The resolution (S. Res. 237) providing for an investigation of costs, prices, and profits of the principal commodities of commerce of the United States was announced as next in order.

Mr. BARKLEY. I ask that the resolution be passed over.

The PRESIDENT pro tempore. The resolution will be passed over.

JOHN SNEED ADAMS

The bill (S. 3489) authorizing the appointment of John Sneed Adams as a second lieutenant in the Army was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to appoint as a second lieutenant, United States Army, John Sneed Adams: *Provided,* That such appointment shall be contingent upon the successful completion of a mental and physical examination to be prescribed by the Secretary of War: *And provided further,* That, in the event of appointment, the appointee shall be placed at the foot of the list of second lieutenants.

RED LAKE BAND OF CHIPPEWA INDIANS

The bill (H. R. 4540) authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. McNARY. Mr. President, I ask that the objections be withheld for a moment. The able Senator from Minnesota [Mr. SHIPSTEAD] is absent on account of official business, and is very much interested in this bill. It is an ordinary bill to refer the matter in question to the Court of Claims, which is usually and almost universally acted upon favorably. I hope the bill may be passed.

The PRESIDENT pro tempore. Is there still objection to the consideration of the measure?

There being no objection, the Senate proceeded to consider the bill (H. R. 4540) authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment on page 2, line 12, after the word "provided", to strike out "no interest shall be held to have accrued by reason of the passage of this act" and to insert:

That in any suit filed under the provisions of this act, in which there is presented any claim against the United States for the appropriation, expropriation, taking, acquisition, or deprivation of land or any interest therein the jurisdiction hereby conferred to hear and determine any such claim is limited to the determination of the value of said land, the timber thereon, or any interest therein, at the time of the appropriation, expropriation, taking, acquisition, or deprivation, and no judgment shall be rendered by the Court of Claims which includes any increment, interest, or equivalent thereof; from the date of taking to the date of judgment, as an element of just compensation or otherwise.

So as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, according to principles of justice and equity and as upon a full and fair arbitration, on all claims of the Red Lake Band of Chippewa Indians in the State of Minnesota against the United States for the value of unceded lands, for losses sustained by reason of erroneous surveys of reservation boundaries, or on claims arising under the treaty of October 2, 1863 (13 Stat. 667), or under any treaty, agreement, Executive order, or act of Congress, except the act of January 14, 1889 (25 Stat. 642), with the right of appeal by either party to the Supreme Court of the United States, anything in the Judicial Code of the United States to the contrary notwithstanding for the determination of the amount, if any, which may be legally or equitably due the said Red Lake Band of Chippewa Indians, under any treaties or agreements entered into between said Indians and the United States, or for the failure of the United States to pay any money which may be legally or equitably due the said Red Lake Band of Indians: *Provided,* That in any suit filed under the provisions of this act, in which there is presented any claim against the United States for the appropriation, expropriation, taking, acquisition, or deprivation of land or any interest therein the jurisdiction hereby conferred to hear and determine any such claim is limited to the determination of the value of said land, the timber thereon, or any interest therein, at the time of the appropriation, expropriation, taking, acquisition, or deprivation, and no judgment shall be rendered by the Court of Claims which includes any increment, interest, or equivalent thereof, from the date of taking to the date of judgment, as an element of just compensation or otherwise.

SEC. 2. In any suit or suits instituted hereunder the Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. The court shall also hear, examine, consider, and adjudicate any claim or claims which the United States may have against the said Red Lake Band, properly chargeable in such suit, including gratuities not heretofore charged; but any payment or payments which have been made by the United States upon such claim or claims shall not operate as an estoppel, but may be pleaded by way of set-off; and any other tribe or band of Indians

which the court may deem necessary to a final determination of any suit hereunder may be joined therein as the court shall order.

SEC. 4. A petition or petitions may be filed hereunder in the Court of Claims within 5 years after the date of this act which shall be subject to amendment at any time prior to final submission of the case to the Court of Claims; and the Red Lake Band of Chippewa Indians in the State of Minnesota shall be the party plaintiff, and the United States the party defendant. The petition or petitions may be verified by the attorney employed by the said Indians to prosecute their claims, under a contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, and no other verification shall be necessary.

SEC. 5. Upon final determination of any suit hereunder the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by the said Indians, under contract in accordance with existing law, and the same shall be paid out of any sum or sums of money found due said Red Lake Band: *Provided*, That in no case shall the fees decreed be in excess of 10 percent of the amount of the judgment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HELEN M. KREKLER AND ESTATE OF KEMP PLUMMER

The bill (H. R. 9199) for the relief of Helen M. Krekler and the estate of Kemp Plummer was considered, ordered to a third reading, read the third time, and passed.

ACCOUNTS OF GOVERNMENT DISBURSING OFFICERS IN RE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION EMPLOYEES

The bill (S. 3692) to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of the disbursing officers or agents of the Government for payments made to certain employees appointed by the United States Employees' Compensation Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 203 of the act of June 30, 1932 (47 Stat. 403), as continued in effect during the fiscal years 1934 and 1935 by section 4 (a) of the act of March 3, 1933 (47 Stat. 1513), and section 24 of the act of March 28, 1934 (48 Stat. 522), the Comptroller General of the United States is hereby authorized and directed to allow credit for all otherwise proper payments made to employees appointed by the United States Employees' Compensation Commission, without approval by the President of the United States, to fill vacancies resulting from the advancement of employees of lower grades in connection with the filling of a vacancy which the President had authorized to be filled; and no amount so paid shall be charged against or recovered from the employees to whom such payments were made.

USE OF ACCOUNTING AND REGISTERING DEVICES

The bill (S. 3600) to amend section 503 of the Revenue Act of 1936 so as to authorize the use of accounting and registering devices for paying or collecting certain revenue taxes was announced as next in order.

Mr. KING. Mr. President, does this bill have the approval of the Treasury Department?

Mr. CLARK. The bill has the approval of the Treasury Department and of the Finance Committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That title VIII of the Revenue Act of 1926, as amended, is amended by adding after section 808 the following new section:

"Sec. 809. Use of mechanical devices in collection of certain taxes.

"Under regulations prescribed by the Commissioner, with the approval of the Secretary, the taxes imposed under titles V and VIII of this act, as amended, may be collected by the use of accounting, registering, and metering devices, in cases in which the Commissioner deems their use advisable, and, when so used, the devices, the impressions made thereby and the operation thereof, shall be subject to all penal and other provisions of law relating to payment or collection of internal-revenue taxes."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Revenue Act of 1926 so as to authorize the use of accounting and registering devices for collecting certain revenue taxes."

ANGELES NATIONAL FOREST—SOIL EROSION, ETC.

The Senate proceeded to consider the bill (S. 1946) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 3, after the word "resources", to insert "other than mineral", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Angeles National Forest in the State of California which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the entire receipts from the sale of natural resources, other than mineral, or occupancy of publicly owned lands within the said national forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2492) to amend the Packers and Stockyards Act, as amended by the addition of certain sections, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3261) to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes, was announced as next in order.

Mr. TRUMAN. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF WORLD WAR ADJUSTED COMPENSATION ACT

The bill (S. 4042) to amend the World War Adjusted Compensation Act was announced as next in order.

Mr. KING. May we have an explanation of the bill?

The PRESIDENT pro tempore. An explanation is requested on Senate bill 4042, calendar 2014.

Mr. SHEPPARD. Similar legislation has passed the Senate on several previous occasions. The purpose of S. 4042 is to extend the benefits of the 1924 World War Adjusted Compensation Act to any provisional, probationary, or temporary officers of the military or naval forces or Coast Guard, under the grade of major or lieutenant commander, who served subsequent to April 6, 1917, and who is now in a status of honorable separation from the service. The former officers affected by this legislation for the most part came into the service from civilian life, and many of them received their commissions following a period of training in officer training camps, while some were members of the National Guard at the time they received their commissions, and others were graduates of Reserve Officers' Training Corps honor schools and graduates. They were among the first to respond to the need of the Services for officer material when war was imminent and in the early days of the war. Entering at the early date they did, the only types of commissions available to these men were provisional, probationary, or temporary appointments in the Regular Establishments. They rendered service comparable to that rendered by emergency officers, and they, like emergency officers, entered the service not for the purpose of making the service a career but to render service in time of national need. And yet, these men have been excluded from the benefits of the 1924 Adjusted Compensation Act. The arguments advanced to

deny these men equal treatment under the 1924 act are based on technical and legal reasons, which were not known to these former officers when they accepted their provisional, probationary, or temporary commissions, and which if they were known did not deter them in serving their country in a time of need. It is estimated that this measure would affect about 3,468 former officers of the Army, about 300 former officers of the Navy, and about 105 former officers of the Marine Corps, at an estimated cost of about five and one-half million dollars.

Mr. KING. Let the bill go over. I have had several objections, and two amendments are suggested.

Mr. SHEPPARD. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENSION OF BENEFITS OF EMERGENCY OFFICERS' RETIREMENT ACT

The bill (S. 4043) extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill?

Mr. SHEPPARD. This bill is somewhat similar to the one just passed over. The enactment of S. 4043 will permit World War provisional, probationary, and temporary officers of the military, naval, and Coast Guard services who served subsequent to April 6, 1917, to file applications for retirement benefits under the 1928 Emergency Officers' Retirement Act, and to have such applications considered on the basis of their merits, provided such officers are now in a status of honorable separation from the service, and provided such applications are filed with the Veterans' Administration within 12 months after the passage of this measure.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2911) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1787) to place warrant officers of the Coast Guard in the same status with warrant officers of the Navy as to being commissioned chief warrant officers upon length of service was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4017) to redistrict South Carolina and to divide said districts into divisions; and to amend paragraph 4n, section 1, Judicial Code (U. S. C., title 28, Supp. III, 1929), and section 105, Judicial Code (U. S. C., title 28, par. 186, 1925), as amended, and section 105, Judicial Code, as amended (U. S. C., title 28, par. 186, 1936), and for other purposes, was announced as next in order.

Mr. ADAMS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RESIDENCE OF UNITED STATES COMMISSIONERS FOR NATIONAL PARKS

The bill (S. 2003) to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes, was announced as next in order.

Mr. WHEELER. Mr. President, may we have an explanation of the bill?

The PRESIDENT pro tempore. An explanation is requested of Senate bill 2003, Calendar No. 2040. The bill was introduced by the Senator from Colorado [Mr. ADAMS].

Mr. ADAMS. Inasmuch as a similar bill, House bill 5804, Calendar 2353, was passed a short time ago, I ask that Senate bill 2003 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, Senate bill 2003 be indefinitely postponed.

ABOLITION OF APPEALS IN CERTAIN HABEAS CORPUS PROCEEDINGS

The bill (H. R. 6178) to abolish appeals in habeas corpus proceedings brought to test the validity of orders of removal was announced as next in order.

Mr. WHEELER. Let the bill go over.

Mr. BURKE. Will the Senator who objected to the consideration of House bill 6178, Calendar 2055, withhold his objection until an explanation can be made?

Mr. WHEELER. Yes.

Mr. BURKE. The present occupant of the chair—the President pro tempore—as chairman of a subcommittee of the Senate Judiciary Committee, considered the bill, which has for its purpose the removal of certain technicalities and delays in the enforcement of the criminal law. I think if there is an opportunity to explain it fully, the Senator from Montana will be heartily in favor of it.

Mr. WHEELER. I understand it abolishes appeals in habeas corpus proceedings.

Mr. BURKE. Only on the ground that there has been some technical defect.

Mr. WHEELER. Will there be a later call of the calendar? I do not want to abolish appeals, and I am informed the bill would abolish appeals in habeas corpus proceedings, to which, of course, I could not agree.

Mr. BURKE. May we have unanimous consent to pass the bill for the present, and call it up again?

The PRESIDENT pro tempore. Without objection it is so ordered.

BILLS PASSED OVER

The bill (S. 4023) to amend the United States Housing Act of 1937 was announced as next in order.

Mr. McNARY. Mr. President, I should like to have an explanation of the bill.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1688) to provide for the acquisition of a site for and establishment of a fish hatchery for Glacier National Park, in the State of Montana, and for other purposes, was announced as next in order.

Mr. BYRNES. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COAST AND GEODETIC SURVEY VESSELS

The bill (S. 4055) to authorize the construction of certain vessels for the Coast and Geodetic Survey, Department of Commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

Mr. SHEPPARD. Will the Senator permit me to present a letter from the Coast and Geodetic Survey to Representative BLAND?

Mr. McKELLAR. Certainly.

Mr. SHEPPARD. The letter reads as follows:

JUNE 9, 1938.

HON. S. O. BLAND,

United States House of Representatives, Washington, D. C.

MY DEAR JUDGE BLAND: In connection with bill H. R. 10690 to authorize construction of certain vessels for the Coast and Geodetic Survey, I wish to furnish you with information on the particular needs of this Bureau for a modern surveying vessel of new construction. I wish to show you that it is neither practical, efficient, nor in the interest of the safety of personnel to attempt to make use of any vessel other than one especially constructed for the hazardous assignment to duty in the Aleutian Islands. Ordinarily a nondescript vessel can no more be used in surveying operations than can a tramp steamer be used by the Navy as a battleship. In this particular location there are exceptional hazards to be encountered by the personnel of the surveying ships. These waters have never been surveyed, the depths are unknown, and there are undiscovered rocks which lie close to the surface. The area is isolated, and immediate assistance cannot be expected from other vessels in the event of a grounding.

The vessel must be particularly heavily built, well divided into a number of watertight compartments so that accidental striking of the vessel on an uncharted rock in the progress of its necessarily hazardous surveying operations will not endanger the safety of the vessel or the lives of its personnel. The vessel must have ample power to proceed through these dangerous areas, but it also must be of a type which will be very efficient in its operation in view of the small appropriation for operating expenses.

A very large vessel cannot be used safely for maneuvering in the harbors and in close proximity to this rocky coast. Therefore, it cannot be larger than about 1,500 tons, but at the same time must be so designed that adequate space will be available to perform the varied surveying functions required. The survey vessel must have suitable quarters for a staff of surveyors, officers and crew, including adequate drafting space. Such a vessel must have moderate draft to enable it to enter harbors and channels and at the same time must be sufficiently staunch and seaworthy to ride with safety the heavy gales prevailing in that locality.

A survey vessel is of a highly specialized type. The surveying equipment, such as echo sounding, radio-acoustic ranging, sounding machines and much other equipment, must either be built in or specially designed. Provision must be made to blanket out all extraneous electrical or radio waves in order that the precise acoustic equipment may be properly operated.

It is considered that the need for the survey of the Aleutian Islands is so important to the merchant marine, to the Coast Guard and the Navy that it is unnecessary to enter into a discussion of the needs for charts of this chain of islands which extends nearly a thousand miles from the Alaska Peninsula toward Japan.

The proposed bill, H. R. 10690, is simply an authorization for a construction project. The matter of obtaining funds will be undertaken if the authorization is approved. If this authorization is not made and the Bureau thus becomes ineligible for P. W. A. funds under an established project, the matter must be resubmitted for an allocation from the regular appropriations to the Department. The amount is a moderate one, considering the construction cost for modern ships. It is in keeping with the recognized efficiency and economy of the Coast and Geodetic Survey in all its operations.

Respectfully yours,

L. O. COLBERT, Director.

Does the Senator from Tennessee understand that the bill provides only an authorization for this much needed ship?

Mr. McKELLAR. Yes; I understand. However, it is an authorization for \$1,425,000. That is the trouble. It ought not to be passed at this time.

Mr. SHEPPARD. Very well. In connection with the letter, I ask that the report of the committee be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD. The bill will be passed over.

The report (No. 1947) is as follows:

The Committee on Commerce, to whom was referred the bill (S. 4055) to authorize the construction of certain vessels for the Coast and Geodetic Survey, Department of Commerce, and for other purposes, having considered the same, report thereon favorably with the recommendation that the bill do pass.

The bill was originally requested by the Department of Commerce, as shown by the following letter and memorandum in explanation thereof:

DEPARTMENT OF COMMERCE,
Washington, May 17, 1938.

HON. JOHN N. GARNER,
President, United States Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: Enclosed is a draft of proposed bill to authorize the construction of certain vessels for the Coast and Geodetic Survey, Department of Commerce, and for other purposes, and memoranda prepared by the United States Coast and Geodetic Survey, this Department, in which I concur.

The Department recommends the enactment of the proposed legislation.

Sincerely yours,

DANIEL C. ROEPER,
Secretary of Commerce.

BUREAU OF THE BUDGET,
Washington, May 16, 1938.

The honorable the SECRETARY OF COMMERCE.

MY DEAR MR. SECRETARY: I am in receipt of your letter of May 11, 1938, enclosing in duplicate a draft of a proposed bill to authorize the construction of certain vessels for the Coast and Geodetic Survey, Department of Commerce, and for other purposes, letters of transmittal to the President of the Senate and the Speaker of the House of Representatives, memorandum of justification for the legislation, and two memoranda by Mr. Rude relative to the non-availability of vessels of other governmental agencies for transfer to the Survey.

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The originals of the papers submitted with your letter are returned herewith, and you are advised that there would be no objection to their submission to Congress.

Very truly yours,

D. W. BELL, Acting Director.

DEPARTMENT OF COMMERCE,
COAST AND GEODETIC SURVEY,
Washington, April 25, 1938.

Memorandum to the Director, United States Coast and Geodetic Survey.

From: Chief, Division of Hydrography and Topography.
Subject: Coast Guard vessels.

Commander Derby, Chief of Operations, United States Coast Guard, stated in response to an inquiry made on April 23, 1938, that the Coast Guard has no suitable vessels available at present for transfer to the Coast and Geodetic Survey. He expects that this fall one and possibly two of the seagoing Great Lakes patrol boats will be disposed of. These boats are 100 feet in length, 210 tons displacement, and were built in 1926. They are of steel, heavily built, Diesel engines, twin screw, and have a speed of 11 knots. Accommodations are for 3 warrant officers and 18 enlisted men. To modernize, which consists chiefly of dismantling the engines and sending them to the factory for overhaul, will cost \$40,000 to \$50,000. However, both the Navy and National Park Service have requested these boats and their requests probably will be given prior consideration.

Commander Derby stated that the Coast Guard may, but there is by no means a certainty, release two other vessels in about 3 or 4 years. These vessels are the *Unalga*, 190 feet, 1,181 tons, 14 feet draft, built in 1912, and the *Talapooosa*, 166 feet, 964 tons, 11 feet 9 inches draft, built in 1915. Both are steam vessels with reciprocating engines, oil burning, and make 11 knots. Accommodations are available for 10 officers and 60 men. They were both reconditioned in 1930, are now in operation and could probably be converted to this Bureau's use for about \$50,000 each. The engines and boilers are in such condition that the vessels would be serviceable for 5 years without much outlay of funds for overhaul.

G. T. RUDE,
Chief, Division of Hydrography and Topography.

DEPARTMENT OF COMMERCE,
COAST AND GEODETIC SURVEY,
Washington, April 22, 1938.

Memorandum to the Director, Coast and Geodetic Survey.
From: Chief, Division of Hydrography and Topography.
Subject: Navy vessels.

This morning a conference was held with the office of the Chief of Naval Operations with respect to acquiring a survey vessel by transfer from the Navy. Captain Reed assigned Commander J. C. Clark, branch 901, to furnish the information. The latter was very accommodating and furnished the following:

The only vessels at all suitable for survey work by this Bureau were ocean tugs, mine sweepers, and possibly a mine layer. The vessels listed are those on the laid-up list but not necessarily available for transfer as each ship would have to be submitted to war plans before being released.

Ocean-going tugs *Bay Spring*, *Iuka*, *Sciota*, and *Napa*: Length over all, 156 feet 8 inches; displacement, 1,000 tons; designed speed, 13 knots; quarters, 5 officers, 43 men; built, 1919.

The Navy selected the best of these tugs in the United States for commissioning. The tug is the *Bagaduce*. The estimated cost of commissioning this vessel is \$220,000. The others, except the *Napa*, would cost 20 percent more because of being in poorer condition. This work has not proceeded because they are still debating whether to spend this money on a vessel nearly 20 years old. The above figure, of course, is simply to commission it for service as a tug. Alterations would bring the figure up considerably.

The *Napa* is in the Philippines and plans are being framed for repairing and commissioning it. The estimated cost, using Philippine labor, is \$100,000 without ordnance.

Mine sweepers *Oriole* and *Chewink*: Length over all, 187 feet 10 inches; displacement, 840 tons; designed speed, 14 knots; quarters, 5 officers, 60 men; built 1918.

The Navy has recently commissioned some of these vessels, and the cost is about \$250,000 per ship without alterations. The *Chewink* was on duty as a submarine rescue vessel, and the cost of commissioning her would exceed this figure as she is in poorer condition than the other vessel. The alterations also would be more.

The cost of altering the *Discoverer*, *Guide*, and *Pioneer* in 1922 was about \$40,000 each.

Mine layer *Aroostook*: Length over all, 395 feet; displacement, 4,200 tons; designed speed, 20 knots; quarters, 34 officers, 380 men; built 1907.

The Navy considered commissioning this vessel for survey duty but the cost was about \$500,000. Survey vessels are so badly needed by the Navy it was necessary to transfer and alter the *Bushnell*, a submarine tender built in 1915.

Captain Reed, before going over the list of vessels, said he did not think they had anything we could use. Commander Clark stated the Bureau of Fisheries and Lighthouse Service have consulted with him for vessels, but they thought any transfer of these old vessels,

to be commissioned at such cost, was out of the question. Commander Clark further stated, in regard to the ocean-going tugs, that they were badly in need of tugs and would commission these if they thought it was worth the expense. The Coast Guard has recently transferred three vessels to the Navy for tug work and Commander Clark thinks these are all the serviceable vessels the Coast Guard has for transfer. However, if desired, Capt. W. G. Shea, of the Coast Guard, who acts as liaison officer to the Navy, could furnish all of this information.

G. T. RUDE,
Chief, Division of Hydrography and Topography.

MEMORANDUM OF JUSTIFICATION FOR LEGISLATION AUTHORIZING
VESSELS FOR THE COAST AND GEODETIC SURVEY

The Coast and Geodetic Survey of this Department has imperative need for a new, modern, seagoing ship and an auxiliary surveying vessel to carry on safely and efficiently its extensive surveying operations to the westward in the Aleutian Islands. Although the need for replacement of several of the unseaworthy, old vessels of that Bureau has existed for several years, the work has been carried on because the vessels have been in some proximity to harbors of refuge. The surveys have now been extended, however, so far to the westward in the Aleutians that a modern, high-powered vessel has become imperative for the safety of the personnel as well as for the efficient prosecution of the survey of this chain of islands, which are almost wholly unsurveyed. These surveys are necessary for national defense. They are being extended into Bering Sea to cover the proposed great circle route to the Orient north of the Aleutian Islands for the use of the merchant marine.

The surveys in the Aleutian Islands are becoming increasingly difficult because of the remoteness of the area, the long runs to port for fuel and provisions, and the stormy-weather conditions encountered in the islands, which have few harbors, especially to the westward. The distance from Seattle to Dutch Harbor is, roughly, 2,000 miles and, in addition, the Aleutian chain extends to the westward another 1,000 miles. Dutch Harbor in the vicinity of Unimak Pass is the only port in which fuel and supplies may be obtained. The work so far has progressed satisfactorily because the vessels were in some proximity to Dutch Harbor. Now, however, that the surveys are extending farther westward, the addition of a large, modern survey vessel with sufficient cruising radius to obviate frequent returns to port and sufficiently seaworthy to weather all kinds of gales is required. The converted Navy mine sweepers now being used in surveys of western Alaska are over 20 years old. They can still be safely continued in service for another 5 to 10 years, but they do not, however, have sufficient cruising radius, hold, and storage space, and are too slow for operating for a great distance to the westward away from the base of operations.

The proposed new survey vessel would replace the ship *Surveyor*, which is over 20 years old, for work in western Alaska along the Aleutian chain and in the Bering Sea, and the *Surveyor* would be assigned to the protected waters of southeastern Alaska, for which it is especially suited, replacing the wooden ship *Explorer*, which was built in 1904. The *Explorer* is very old and unseaworthy and should be decommissioned in the interests of safety as well as efficiency and economy. The Coast and Geodetic Survey has not had a ship replacement since 1929. The *Hydrographer* was built that year for much-needed surveys in the Gulf of Mexico, where she is now operating. Two of the ships of this Service are over 35 years old, one is over 25 years, and four are over 20 years old. These ships have to operate for long periods in stormy and dangerous areas and, for this class of work, 20 years constitutes the useful life of a vessel, and it is not safe to continue beyond 25 years. The second vessel will be auxiliary to the main ship.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 3707) to authorize the acquisition of the bridge across the Mississippi River at Cape Girardeau, Mo., and the approaches thereto, by a single condemnation proceeding in either the District Court for the Eastern Judicial District of Missouri or the District Court for the Eastern Judicial District of Illinois, and providing the procedure for such proceeding, was announced as next in order.

Mr. BULKLEY. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3339) for the relief of Lt. (Jr. Gr.) Svend J. Skou, United States Navy, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 9965) to provide for civilian naval training, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 292) directing the Federal Trade Commission to investigate the methods employed by the manufacturers of motor-vehicle tires was announced as next in order.

Mr. BULKLEY. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 10225) to amend section 6 of chapter 64, approved April 24, 1894 (U. S. Stat. L., vol. XXVIII, 2d sess., 53d Cong.), being an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota" was announced as next in order.

Mr. DUFFY. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3621) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7167) to provide for the promotion on the retired list of the Navy of Fred G. Leith was announced as next in order.

Mr. KING. I will ask the Senator from Massachusetts concerning Calendar 2182, House bill 7167. The report which should accompany the bill is not in my possession.

Mr. WALSH. I shall later furnish the Senator with a copy of the report.

Mr. KING. Let the bill go over temporarily. We will recur to it in a moment, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over temporarily.

The bill (S. 3976) to authorize the appropriation of funds for the development of rotary-wing aircraft was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADMISSION TO CITIZENSHIP OF CERTAIN ALIENS

The bill (H. R. 6785) for the admission to citizenship of aliens who came into this country prior to February 5, 1917, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3549) to prevent discrimination against graduates of certain schools in the making of appointments to Government positions, the qualifications for which include legal training or legal experience was announced as next in order.

Mr. HALE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLAIM OF FRED OWENS

The bill (H. R. 3357) conferring jurisdiction upon the United States District Court for the Northern District of California to hear, determine, and render judgment upon the claim of Fred Owens was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That concludes the calendar under the unanimous-consent agreement.

IMPORTATIONS OF CANNED BEEF

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed in the Record as a part of my remarks certain correspondence relative to importations of canned beef from South America. The correspondence has particular reference to an editorial in the Country Home Magazine in which certain erroneous statements were made. It is my understanding that there will soon appear in that magazine a retraction which will acknowledge the error. My purpose in making this request is to have the facts

printed in the CONGRESSIONAL RECORD for the information of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HAYDEN. I ask to have the correspondence printed at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The correspondence is as follows:

ARIZONA CATTLE GROWERS' ASSOCIATION,
Phoenix, Ariz., April 6, 1938.

Hon. CARL HAYDEN,
United States Senate, Washington, D. C.

DEAR SENATOR HAYDEN: If it is possible for you to do so, we would like for you to secure a copy of April 1938 Country Home and read the story about the unloading at the New York City harbor of piles of cases labeled "Packed Especially for C. C. C. Camps, Ogden, Utah."

Inside these cases was beef. The place of origin was Argentina. It is difficult for anyone in Arizona to understand why, or how, such a transaction should or could be made.

The entire beef industry of the Nation, from cowboys to packing companies, have been for several months engaged in a concerted campaign to increase the consumption of beef in this country. We do not think it is possible that our efforts have resulted in a shortage of beef to the point where Government camps would need to buy beef from the Argentine.

We do not know who is responsible for the ordering of these supplies, but we hope that you will take the matter up with the proper Department and find out if American beef will not answer the purpose as well as South American beef.

Will you please write us what you learn about this matter?

Thanking you, I am,

Very sincerely yours,

Mrs. J. M. KEITH, Secretary.

WASHINGTON, D. C., April 20, 1938.

Mr. ROBERT FECHNER,
Director, Civilian Conservation Corps, Washington, D. C.

MY DEAR SIR: I am enclosing herewith a letter from Mrs. J. M. Keith, secretary of the Arizona Cattle Growers' Association, 140 South Central Avenue, Phoenix, Ariz., in which she directs attention to an editorial appearing in the Country Home Magazine for April 1938, as follows:

"One of our friends was particularly interested lately in a certain cargo that had just been unloaded at the harbor of New York City, piles of cases, each labeled 'Packed Especially for C. C. C. Camps, Ogden, Utah.' Inside the cases was beef; the place of origin was Argentina.

"I knew we were shipping in plenty of beef," he remarked, 'but for the Government to buy it from South America, bring it up to New York, then ship it across the continent to feed tax-supported citizens right out there in our own cattle country, isn't that rather rubbing it in?'"

"The American beef producer probably thinks so."

I shall appreciate your advising me fully respecting the alleged shipment of Argentine beef for consumption by the Civilian Conservation Corps at Ogden, Utah.

Yours very sincerely,

CARL HAYDEN,
United States Senator.

CIVILIAN CONSERVATION CORPS,
Washington, D. C., April 23, 1938.

Hon. CARL HAYDEN,
United States Senate, Washington, D. C.

DEAR SENATOR HAYDEN: I have your letter of April 20, 1938, to which you attached a letter from the secretary of the Arizona Cattle Growers' Association, of Phoenix, Ariz., directing attention to an editorial appearing in the Country Home Magazine for April 1938.

While I have not seen the article, I am told it is an editorial written by Mr. Wheeler McMillen, who did not claim to be stating facts but that this information came to him from "a friend." Without verification of fact, this editorial seems to have reached all parts of the country and letters are received daily from interested groups, all asking why the Civilian Conservation Corps is buying Argentina beef.

The War Department is attempting to run down the statement that the cases were labeled "Packed Especially for C. C. C. Camps, Ogden, Utah," particularly because a search through every procurement record in the Ninth Corps Area does not disclose a single purchase in the past year of canned beef for Utah camps. The Chicago depot, which must have supplied any canned beef required, purchases only American produced and packed beef, furnishing inspection service at the plants where such products are prepared.

After securing all the information possible, the County Home Magazine will be asked to give the same publicity to a retraction as was given the unverified editorial.

The result of the investigation will be reported to you as soon as the War Department can secure the factual data.

Sincerely yours,

J. J. McENTEE,
Assistant Director.

CIVILIAN CONSERVATION CORPS,
Washington, D. C., May 26, 1938.

Hon. CARL HAYDEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR HAYDEN: Referring to your letter of May 25, 1938, on the subject of the editorial concerning the purchase of beef products from the Argentine and supplying same to C. C. C. camps in Utah, published in the Country Home Magazine in April 1938, I regret that as yet neither the War Department nor this office has been able to compel the instigators of this attack to produce any facts to substantiate the charges made. Based upon this same article, the Chicago Livestock Exchange sent a strongly worded resolution to the President, members of his Cabinet, each Member of the Congress, and all Government Departments, and within a few days Mr. SHAFER, of Michigan, introduced House Resolution 466, embodying the substance of the resolution of the Chicago Livestock Exchange.

From the transcript of the article which you forwarded in your letter of April 20, this office, with the assistance of the Bureau of Animal Industry, Department of Agriculture, and the Quartermaster General's Office of the War Department, has investigated all known angles to determine the facts in this case, even to investigating all records of entry in the port of New York for the period immediately preceding the issue of the magazine and a further earlier period from July 1 to October 1, 1937, claimed by the writer of the article as having been the period in question. Every inspector who signed an entry blank for imported meat products from South America during this time was interviewed and not only did the records not show any such importation of meat for the C. C. C., but no inspector could be found who ever saw any cases of corned beef so marked during the inspection of any of the entries listed.

Upon receipt of these reports, a letter was addressed to the chairman of the Committee on Expenditures in the Executive Departments on April 26, 1938, recommending that the committee call upon the Chicago Livestock Exchange to substantiate the statements contained in its resolution of April 14, 1938, which formed the basis of House Resolution 466, or furnish a retraction to the House committee.

On April 28, the Chicago Livestock Exchange was called upon by this office to substantiate the charges contained in its resolution of April 14, or publish a retraction and furnish a copy to each of the addresses in the original resolution. In reply, statement was made that the information came from the editorial in the Country Home Magazine of April 1938, and that as soon as any further data could be furnished, it would be sent to this office. No further reply has been received.

On May 4, 1938, a letter was addressed to the President of the Crowell Publishing Co., asking that any facts to substantiate this article be immediately furnished this office. The reply from President T. H. Beck stated that Wheeler McMillen, the editorial director of the Country Home Magazine, would furnish any data developed by his inquiry. No such data has been furnished by the Crowell Publishing Co.

As the original article in the Country Home Magazine is a serious accusation against the Civilian Conservation Corps organization and the War Department, implying as it does that existing legislation is being violated by the importation of foreign meat or meat products, it is a matter of great regret that no legal action appears possible to compel the Crowell Publishing Co. and the Chicago Live Stock Exchange to produce proof or completely retract the defamatory article and the resolution based thereon.

Every known means of investigation has been utilized by this office, the War Department, and the Bureau of Animal Industry of the Department of Agriculture, to determine facts, and nothing has been developed to involve either the War Department or this organization in any violation of the present statute applying to the use of domestic meat products. We intend to continue the inquiry until the truth or falsity of the accusation can be determined, but until some proof is furnished by the Crowell Publishing Co. upon which to base additional investigation, no further action is possible.

Sincerely yours,

J. J. McENTEE, Acting Director.

STATEMENT OF UNPAID TREASURY BALANCES

Mr. MINTON. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 279.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BILBO. I desire to submit a resolution asking for some information from the Treasury Department. It will not cost a cent, and I am sure every Senator is interested in the information. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The parliamentary situation is this: The Senator from Washington [Mr. SCHWELLENBACH] has pending a motion to take up certain measures. No other matter can be taken up except by unanimous consent by temporarily laying aside that matter.

Mr. BILBO. I ask unanimous consent that it may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of a resolution which will be read for the information of the Senate.

The resolution (S. Res. 304) was read, as follows:

Resolved, That in order to supplement the report contained in House Document No. 363, Forty-ninth Congress, first session, the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate for its information, at the earliest practicable date, a similar statement of all balances standing on the books of the Treasury on June 30, 1938, due from the United States as unpaid. Such statement shall be exclusive of balances transmitted to Congress under existing law, and shall specify the names and addresses of those to whom such respective balances are payable, nature of the liability, and date or period when each became due: *Provided*, That this resolution shall not necessitate the review of ledgers of postal, money order, mail contractors, transportation agents, or similar accounts of the Post Office Department referred to in the House document aforesaid.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KING. Mr. President, I inquire of the Senator whether this resolution involves a determination of whether the Government of the United States is indebted to some of our brethren in the South by reason of the so-called War between the States.

Mr. BILBO. No, Mr. President. The resolution brings the report up to the present time from the Forty-ninth Congress—1883.

Mr. KING. Growing out of what? What is the purpose of it?

Mr. BILBO. It is to ascertain from the Treasury Department any obligations due to citizens. Every Senator wants to know if his constituents have any money due to them, but no information on the subject is available. The resolution merely asks for the information from the Treasury Department. It will not cost anything to secure the information.

Mr. KING. I inquire of the Senator whether the resolution contemplates that the Federal Government has taxed people too much, and now, notwithstanding the statute of limitations, an inquiry is to be made as to the amount which may be due.

Mr. BILBO. It does not cover cases of that kind.

Mr. REYNOLDS. Mr. President—

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. REYNOLDS. I wish to call the attention of the Senate to Calendar No. 2198, House bill 6785.

Mr. MINTON. Have I the floor?

The PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. REYNOLDS. I was recognized by the Chair.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The Chair recognized the Senator from Indiana.

Mr. REYNOLDS. Will the Senator from Indiana yield to me?

Mr. MINTON. I yield to the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from Indiana has yielded to the Senator from Mississippi.

Mr. REYNOLDS. The Senator from Indiana has yielded to the Senator from North Carolina, for which I am very grateful to the Senator from Indiana. Mr. President, I wish—

The PRESIDENT pro tempore. The Senator from North Carolina has no right to the floor at the present time, except

to object or not to object. The question is, Is the request of the Senator from Mississippi objected to, or not? The Chair hears no objection.

The question, then, is on agreeing to the resolution; and the Senator may be recognized on the resolution. Does the Senator from North Carolina desire recognition on the resolution? [After a pause.] Without objection, the resolution is agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3517) for the relief of David B. Monroe.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 58 to the bill and concurred therein; and that the House further insisted upon its disagreement to the amendments of the Senate Nos. 43 and 44 to the bill.

The message further announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, and that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 72 to the joint resolution.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 67), as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, the 16th day of June 1938 and that when they adjourn on said day they stand adjourned sine die.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 42), authorizing the Clerk of the House of Representatives to make a correction in the enrollment of the bill (H. R. 10024) to establish the Olympic National Park, in the State of Washington, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 662) for the relief of Bertram Rich.

The message returned to the Senate, in compliance with its request, the bill (H. R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes, together with the accompanying papers.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2716) to provide for the local delivery rate on certain first-class mail matter.

The message also announced that the House had agreed to a resolution (H. Res. 538), as follows:

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the session and are ready to adjourn unless the President has some other communication to make to them.

The message further announced that the House had passed the bill (S. 2403) to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message informed the Senate that, pursuant to the provisions of Public Resolution 112, Seventy-fifth Congress, the Speaker had appointed Mr. PETERSON of Florida; Mr. LEAVY, of Washington; and Mr. CASE of South Dakota, members of the joint committee to investigate the adequacy and use of the phosphate resources of the United States.

The message announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 9171. An act directing the Court of Claims to reopen certain cases and to correct the errors therein, if any, by additional judgments against the United States;

H. R. 9569. An act for the relief of Charles P. McCarthy and the Paul Revere Fire Insurance Co.; and

H. R. 9739. An act to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act, otherwise known as the Motor Carrier Act, 1935.

The message also announced that the House had severally agreed to the amendment of the Senate to each of the following bills and joint resolution of the House:

H. R. 4540. An act authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes;

H. R. 7515. An act to authorize the sale of certain lands of the Eastern Band of Cherokee Indians, North Carolina;

H. R. 9868. An act for the relief of Harry J. Somerville; and

H. J. Res. 714. Joint resolution for the relief of certain aliens.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 9888. An act for the relief of William Henry Johnston, Jr., a minor;

H. R. 10846. An act to create the Office of the Librarian Emeritus of the Library of Congress;

H. J. Res. 679. Joint resolution making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects;

H. J. Res. 702. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the Third International Congress for Microbiology, to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session;

H. J. Res. 711. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

H. J. Res. 712. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

ADMISSION TO CITIZENSHIP OF CERTAIN ALIENS

Mr. REYNOLDS. Mr. President, I was out of the Chamber today when Calendar No. 2198, House bill 6785, was called. There was no objection to the passage of the bill; and I now desire to enter a motion for reconsideration.

The PRESIDENT pro tempore. The clerk will state the title of the bill referred to by the Senator from North Carolina.

The CHIEF CLERK. A bill (H. R. 6785) for the admission to citizenship of aliens who came into this country prior to February 5, 1917.

Mr. BULKLEY. Mr. President, I hope the Senator, if he must move to reconsider the action of the Senate in passing this bill, will make the motion now, so that we may vote on the motion to reconsider.

Mr. REYNOLDS. I should like to argue the motion, Mr. President.

Mr. KING. Mr. President, I inquire of the Senator whether he has made the motion.

Mr. REYNOLDS. In view of the fact that the Senate has about finished its business, and I understand is waiting on

the House for some action, I shall be very glad to consume a few hours in discussing this measure.

Mr. MINTON. Mr. President—

Mr. REYNOLDS. I want to discuss the very interesting subject of immigration.

The PRESIDING OFFICER (Mr. HATCH in the chair). Just a minute.

Mr. REYNOLDS. I understand that I have the floor.

The PRESIDING OFFICER. No; let us have a little order for just a moment. The Chair is advised that the Senator from Indiana [Mr. MINTON] has the floor. Does the Senator from Indiana yield; and if so, to whom?

Mr. MINTON. I do not yield to the Senator from North Carolina to carry on a filibuster in my time.

Mr. BURKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REYNOLDS. Mr. President—

The PRESIDING OFFICER. The Senator from Nebraska is stating a parliamentary inquiry.

Mr. BURKE. The Senator from Indiana, as I understand, yielded to the Senator from Mississippi [Mr. BILBO] to present a unanimous-consent request to take up a certain resolution. There was no objection; so the resolution was taken up and is now before the body, and the Senator from North Carolina has been recognized to speak in connection with the resolution.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair a moment ago. He is advised that the resolution of the Senator from Mississippi has been agreed to. The Senator from Indiana [Mr. MINTON] was recognized, and the Senator from Indiana has the floor. In the absence of other information, the present occupant of the chair will recognize the Senator from Indiana.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state his parliamentary inquiry.

Mr. KING. As I understand, the Senator from North Carolina obtained recognition from the Chair and moved to reconsider the vote by which a certain bill was passed, and he has presented that motion for reconsideration. It would seem to me that he has the floor.

The PRESIDING OFFICER. The Senator from North Carolina did present his motion to reconsider. What transpired between then and now, the present occupant of the chair is not quite advised. The present occupant of the chair has recognized the Senator from Indiana, and the Senator from Indiana has the floor.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Florida?

Mr. MINTON. Mr. President, I should like to proceed with this matter, if I may.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. MALONEY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MINTON. Yes.

Mr. MALONEY. I should like to inquire as to the parliamentary situation in connection with Calendar No. 2198, House bill 6785.

The PRESIDING OFFICER. That is the bill as to which the Senator from North Carolina has interposed a motion to reconsider, as the Chair is advised; but the Senator from Indiana has the floor.

Mr. MALONEY. What is the status of House bill 6785 at the moment?

The PRESIDING OFFICER. There is pending a motion of the Senator from North Carolina to reconsider.

Mr. SCHWELLENBACH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. SCHWELLENBACH. Is not this a correct statement of the parliamentary situation:

The Senator from Indiana [Mr. MINTON] made a motion to proceed to consider a certain resolution upon the calendar, to provide for a continuation of a committee; namely, Calendar No. 2312, Senate Resolution 279. He yielded to the Senator from Mississippi [Mr. BILBO] for a unanimous-consent request. After that, the Senator from North Carolina made a motion to reconsider Calendar No. 2198, House bill 6785. I make the point of order that that motion is out of order, because of the fact that the Senator from Indiana already has a motion pending before the Senate.

The PRESIDING OFFICER. The Senator from North Carolina has the right to enter the motion, but that is all. That is the parliamentary situation.

Mr. REYNOLDS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REYNOLDS. I entered a motion for the reconsideration of the bill because I was out of the Chamber at the time it was called. I enter that motion now because the other day, when the same bill was reached on the calendar, I entered an objection at that time; and at the same time the chairman of the Immigration Committee of the Senate, the Senator from Georgia [Mr. RUSSELL], entered an objection.

Mr. MALONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Carolina is stating a parliamentary inquiry.

Mr. REYNOLDS. I now inquire as to whether or not my objection stands.

The PRESIDING OFFICER. The motion of the Senator from North Carolina has been entered. It stands as presented. That is the parliamentary situation.

Mr. REYNOLDS. Mr. President, as I understand, that prevents the bill from going to the House.

The PRESIDING OFFICER. That is correct. There is no question about that.

Mr. MALONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut will state his parliamentary inquiry.

Mr. MALONEY. Is it in order for me to make a motion to lay on the table the motion of the Senator from North Carolina?

The PRESIDING OFFICER. Not at this time. The Senator from Indiana [Mr. MINTON] has the floor at this time.

Mr. MINTON. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana.

ABOLISHMENT OF APPEALS IN CERTAIN HABEAS CORPUS PROCEEDINGS

Mr. BURKE. Mr. President, before the Senator starts, will he yield for a unanimous-consent request regarding a bill which is on the calendar, and by unanimous consent it was agreed that it should be passed over, and that at the conclusion of the calendar it might be taken up?

Mr. MINTON. Yes; I yield for that purpose.

Mr. BURKE. I refer to Calendar No. 2055, House bill 6178. When that bill was called, the Senator from Montana raised an objection to it; and, after an explanation, unanimous consent was asked that it might be passed over and called up at the time the calendar was concluded.

The PRESIDING OFFICER. The Senator from Nebraska requests unanimous consent to return to Calendar No. 2055, House bill 6178. Is there objection?

There being no objection, the bill (H. R. 6178) to abolish appeals in habeas corpus proceedings brought to test the validity of orders of removal was considered, ordered to a third reading, read the third time, and passed.

TEMPORARY LABORER

Mr. BYRNES. Mr. President—

Mr. MINTON. I yield to the Senator from South Carolina.

Mr. BYRNES. I ask the Senator from Indiana if he will yield to me to present a resolution from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. MINTON. I yield for that purpose.

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate Resolution 204, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 204) submitted by Mr. BYRNES on December 1, 1937.

The amendment was, on page 1, line 3, after the words "rate of", to strike out "\$1,380" and insert "\$1,200", so as to make the resolution read:

Resolved, That the Secretary of the Senate hereby is authorized and directed to employ a laborer to be paid from the contingent fund of the Senate at the rate of \$1,200 per annum until otherwise provided by law.

The amendment was agreed to.

The resolution, as amended, was agreed to.

SIDNEY E. LIVINGSTON

Mr. McKELLAR. Mr. President, will the Senator from Indiana yield to me for a moment?

Mr. MINTON. I yield.

Mr. McKELLAR. The Senator from Florida [Mr. PEPPER] has taken up with me the question of the nomination of Sidney E. Livingston to be postmaster at Homestead, Fla. That nomination was rejected on yesterday. At the request of the Senator from Florida, I ask unanimous consent, as in executive session, that the nomination be reconsidered and confirmed.

The PRESIDING OFFICER. The Senator from Tennessee requests, as in executive session, that the Senate reconsider its action in rejecting the nomination of Sidney E. Livingston to be postmaster at Homestead, Fla., and that the nomination be confirmed. Is there objection? The Chair hears none; and, without objection, the nomination is confirmed.

INVESTIGATION OF LOBBYING ACTIVITIES

Mr. MINTON. I now renew my motion that the Senate proceed to the consideration of Senate resolution 279.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana [Mr. MINTON] to proceed to the consideration of Senate Resolution 279, which will be read.

The resolution (S. Res. 279) submitted by Mr. MINTON on May 17, 1938, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment to strike out \$25,000 and insert \$12,000 was read, as follows:

Resolved, That the limit of expenditures for the special committee of the Senate, appointed pursuant to Senate Resolution No. 165, Seventy-fourth Congress, as amended and supplemented, to investigate lobbying activities, is hereby increased by \$25,000.

Mr. MINTON. Mr. President, the resolution which I have asked permission to bring up at this time is simply an authorization approved by the Committee to Audit and Control the Contingent Expenses of the Senate providing funds for the lobby committee. That is all it is, to continue the activities of the lobby committee. The small sum of \$12,500 is asked. That is all that is involved in the resolution. I hope it may be adopted.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. HOLT. I object.

Mr. BARKLEY. The Senator did not ask unanimous consent; he moved that his resolution be taken up.

Mr. MINTON. I made a motion.

Mr. HOLT. Mr. President, I raise the point of order that the unfinished business before the Senate is the motion of the Senator from Washington [Mr. SCHWELLENBACH] to proceed to the consideration of House bill 6391, and until that motion is acted upon there cannot be any other motion before the Senate.

Mr. SCHWELLENBACH. Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The Senator's point of order is well taken, but the Chair is advised that the Senator from Washington has withdrawn his motion. Therefore, the motion of the Senator from Indiana is in order, and the Chair will put the motion.

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Holt	O'Mahoney
Andrews	Connally	Hughes	Overton
Ashurst	Davis	Johnson, Calif.	Pepper
Austin	Donahay	Johnson, Colo.	Pittman
Bailey	Duffy	King	Pope
Bankhead	Ellender	La Follette	Radcliffe
Barkley	George	Lee	Reames
Bilbo	Gerry	Lewis	Reynolds
Bone	Gibson	Logan	Russell
Borah	Gillette	Loneragan	Schwartz
Brown, Mich.	Glass	Lundeen	Schwellenbach
Brown, N. H.	Green	McGill	Sheppard
Bulkley	Guffey	McKellar	Shipstead
Bulow	Hale	McNary	Townsend
Burke	Harrison	Maloney	Truman
Byrd	Hatch	Miller	Tydings
Byrnes	Hayden	Minton	Vandenberg
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	Norris	Wheeler

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

The question is on agreeing to the motion of the Senator from Indiana.

Mr. BURKE. Mr. President, let me say at the outset that in the event the Senate decides to adopt the motion to take up this particular measure, to which objection was made when it was called on the calendar, we are going to be here for some little time. We have all been inspired and enthused by the eloquent words of the Senator from Arizona in reference to filibustering, and it seemed advisable that at least some practical demonstration ought to be given along that line, so it will be too bad for any Senator to vote in favor of the motion to take up this resolution unless he is willing to listen to considerable talk.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BURKE. I yield very gladly.

Mr. SCHWELLENBACH. Is the Senator from Nebraska going to give us this talk?

Mr. BURKE. I am merely going to offer the opening words, and then other Senators desire to be heard.

Mr. SCHWELLENBACH. Does the Senator look with such disfavor upon what he and his colleagues who oppose this motion may have to say that he thinks he should first warn the Members of the Senate that they probably would not care to listen to them if they were here?

Mr. BURKE. We leave entirely to the Members of the Senate as to whether they desire at this stage of the session to listen to a proposal to furnish funds out of the Treasury of the United States to carry on an investigation of the newspapers of the country.

Mr. SCHWELLENBACH. I should like to say to the Senator—

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I will just as soon as the Senator from Washington has concluded.

Mr. BARKLEY. I make a point of order. I am sure an interesting conversation is proceeding between the Senator from Nebraska and the Senator from Washington, but we down in front would like to hear it.

The PRESIDING OFFICER. The point of order is well taken.

Mr. BURKE. The Senator from Washington will please speak in a louder voice.

Mr. SCHWELLENBACH. I hope that what I add to the colloquy will be of more value to the Senate than what the Senator from Nebraska will say in the course of the next several hours. [Laughter.]

The PRESIDING OFFICER. There is so much confusion in the Senate that it is impossible to hear what is going on. Senators desiring to hold conferences will please retire from the Chamber.

Mr. BURKE. Mr. President, on the legislative day of April 20, which turns out to have been May 17, according to the calendar, there was offered in the Senate, Resolution No. 279. At about the same time—I am not at the moment advised whether just before or shortly thereafter—the sponsor of this resolution, the junior Senator from Indiana [Mr. MINTON], made a speech on the floor of the Senate and introduced a bill. For fear there may be some here who were, unfortunately, not present on that occasion, or may have forgotten some of the words of wisdom which fell from the lips of the junior Senator from Indiana, I think it will be necessary that we reread the speech, because in many respects it was a very interesting, not to say startling, pronouncement to come from the lips of the distinguished Senator. There was much of merit in it, I will say, but there were suggestions and intimations in it which will need to be very thoroughly probed.

Mr. President, I have not read the speech, but I did listen with rapt attention while it was being delivered. We were told on that occasion that the newspapers of the country were deceiving the innocent readers, the unsuspecting readers, in the first place, by the type of headlines which they were printing, and some examples were given.

We were told also that it was not only in the headlines, but in the news columns, apparently, throughout the press of this country, that a deliberate attempt was being made to keep in ignorance the readers as to what was really going on. So a bill was introduced at the same time, which, as I recall, provided a rather heavy penalty for any newspaper which published in its columns anything which it knew or probably ought to have known was not strictly in accordance with the truth as it might ultimately be determined.

Some of the press of the country very promptly pointed out that it would have been impossible, if such a law had been in force, for any newspaper in the country to have published the speech of the junior Senator from Indiana, because in the course of that speech he declared that the press of the country has refused consistently to give any space to anything favorable to the present administration and the New Deal program, and since every paper in the country has done exactly the contrary to what the junior Senator from Indiana declared to be the fact, if the Senator's bill had been a law no newspaper would have dared to publish what he had to say, because by so doing they would have laid the foundation for prosecution and punishment.

Mr. President, at about the time this resolution was introduced, the press carried a statement as to the purpose for which the Lobby Investigating Committee desired further funds. Since we have not been favored with any explanation of the resolution by its sponsor or anyone else, we do not know whether in that case the press was in error and reported the matter incorrectly or not. All we can do is to say that responsible newspapers, at the time this resolution was offered, quoted the sponsors of the resolution as saying that funds were needed by this committee in order to carry on a very thorough investigation of the newspapers of this country to determine, as I recall, how they gathered facts, and things that were not facts, apparently.

I do not know whether they so stated or not, but apparently it would be necessary, in carrying out that purpose, to go beyond that, and to find out about the editorial policies of the newspapers, and that, we were led to believe, was the purpose of asking for these additional funds.

The resolution itself is very simple, consisting in its original form of four lines:

Resolved, That the limit of expenditures for the special committee of the Senate appointed pursuant to Senate Resolution No. 165, Seventy-fourth Congress, as amended and supplemented, to investigate lobbying activities, is hereby increased by \$25,000.

The Committee to Audit and Control the Contingent Expenses of the Senate, to which the resolution was referred, has brought in an amendment which consists of striking out "\$25,000" and inserting in lieu thereof "\$12,500."

Mr. President, it seems to me that it might be said from one aspect of this case that we are faced with two alleged evils. On the one side it is alleged by the author of the measure that was introduced in the Senate that we have a great evil in the press, in the newspapers of the country, that they are doing a great harm to our citizenship by printing matter which is not true, or which is exaggerated, or which has other objections to it, and that the people are apparently not sufficiently intelligent to determine what newspapers, what news agencies can be believed, and that something must be done about it. That is the alleged evil which it is proposed to correct.

Personally, if the time comes in the course of the evening when we reach the point of discussing the merits or demerits of the resolution, it will be necessary to consider that fact very carefully, but at this time, while we are considering merely whether the motion shall prevail to consider this resolution, I am merely endeavoring to point out that we have in the first place this alleged evil, and I shall attempt to show, and I am sure others will show in the course of the evening, that instead of the free press, the untrammelled press, constituting an evil, it is one of the great glories of our country, something of which we have every reason to be justly proud.

But, Mr. President, as an offset to that evil which we have on the one hand, it is now proposed to do what it seems to me clearly to be, without any possibility of refutation, the establishment of a most evil policy in this country, and that is to furnish funds to a committee of the United States Senate, which has declared that it wants funds in order to go out and investigate the newspapers and newspaper policies, to send their agents out into every pressroom, into every editorial chamber.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. HATCH. I am very curious about this matter. The Senator has declared that the committee has made a statement or a declaration that it desires to do these things. That is quite a startling thing, and I should like to be referred to the action of the committee in which that declaration is contained. I ask that simply for my information.

Mr. BURKE. The committees of the Senate ordinarily speak through the lips of their chairmen, and in this case, whether members of the committee took official action or not and authorized the chairman to make the statement, or indeed, whether he made the statement reported in the press, I do not know. We have no way of knowing that, except from the report made by what has been alleged to be the evil untruthful press of the country. But in the absence of a statement as to the purpose for which these funds are desired, we can only take what the press reported as the statement of the chairman of the committee as to why it was necessary to have more money.

Mr. HATCH. Does the press contain articles to the effect that the chairman of the committee has requested this money in order that the committee may go out and investigate the press of the country?

Mr. BURKE. Yes, indeed. And if I am not mistaken, it attempted, at least, to quote exactly the language of the chairman of the committee to that effect.

Mr. HATCH. I merely asked for information. I have not seen that statement, and I have not heard the Senator from Indiana make any such statement.

Mr. BURKE. I have not heard the Senator from Indiana make such a statement. I am referring only to what the press reported. It may be that the ground was so well prepared with reference to this matter, by reason of what the Senator from Indiana said on the floor of the Senate, that we jumped too rapidly at the conclusion that what was said in the press must be correct because, I am sure, the Senator from New

Mexico was on the floor when the junior Senator from Indiana told us about the evils of the press not long ago, and offered a bill to provide the proper cure and corrections.

Mr. HATCH. The Senator from Nebraska has referred to the Senator from New Mexico, who says that he was on the floor when the Senator from Indiana made his remarks and he heard every word the Senator from Indiana said. He read the bill the Senator from Indiana introduced. He also read the explanation made of that bill by the Senator from Indiana. The Senator from New Mexico does not think that the Senator from Nebraska is being quite fair with the Senator from Indiana, although, in making that statement, I wish it to be understood that the Senator from New Mexico believes that the Senator from Nebraska always wants to be fair.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Missouri.

Mr. CLARK. Let me call a matter to the attention of the Senator from New Mexico. I am not able to give the date, but there appeared a few weeks ago, within the last 4 or 5 weeks, a leading article on the front page of the Baltimore Sun, one of the leading newspapers of the United States, in which it was set forth that an additional appropriation was to be asked for the Lobby Committee for the purpose of making an objective study of the rights of the press, or of abuses of the liberty of the press, as they exist in the United States.

I can say to the Senator from New Mexico that I talked to the Senator from Indiana today, and he stated to me that the purposes of this investigation are not at all the purposes which were set forth in that article, and which I think any reasonable man must have deduced from the direct quotations in that article. But, nevertheless, that article did appear, and I am satisfied I can find the article in the course of a few minutes. That article appeared in the last 5 or 6 weeks in the Baltimore Sun as to the purposes of the additional appropriation for the Lobby Committee. Therefore, I do not think that the Senator from Nebraska is being unfair.

Now, with respect to the representations made to me by the Senator from Indiana, I stated to him that I would not object to the consideration of the resolution as a matter of unanimous consent. However, I do think that any suggestion that the Senate of the United States is starting out to investigate alleged transgressions on the part of the press will be one of the most dangerous things that ever happened in this country, because I agree with Thomas Jefferson when he said that he would rather tolerate error itself than enter into oppression to stop the expression of error.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. HATCH. I merely want to say to the Senator from Missouri that, of course, we all agree with the sentiment which he has just expressed. I do not believe there is anyone in the United States Senate who would vote to appropriate funds of the United States Senate to carry on an investigation such as he has described. But I know the Senator from Indiana, and I know what he thinks, and I do not believe he entertains any such idea. That was the reason I merely asked for fairness on the part of the Senator from Nebraska. I had not seen the article in the Baltimore Sun to which the Senator from Missouri refers.

Mr. BURKE. I will say for the benefit of the Senator from New Mexico that that article in substantially the same form appeared not alone in the Baltimore Sun, but in the metropolitan press, and in newspapers all over the country. In fact, I have had many excerpts from it sent to me from the Middle West and the far West, where people were really disturbed by the suggestion that in this time of great depression and trouble, when our economic system is suffering great shock, the Senate of the United States was going to start out on some program to hamstring or hamper the press.

I may be all wrong. It may never have been in the mind of the chairman of this committee that any part of this fund was to be used for that purpose. Yet he was quoted to that

effect. And taken in connection with the fact that he did express himself at length, and very forcefully, and very antagonistically to the press in connection with the bill which he offered on that occasion, which the Senator from New Mexico, I am sure, read at the time—all of that taken together made it seem to me very essential that these funds should not be voted, at least without a thoroughgoing study of the whole matter, a thoroughgoing investigation as to just what this committee proposes to do with additional funds if they are awarded.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. SCHWELLENBACH. Just how are we going to investigate what the committee is going to investigate? And how much of an appropriation does the Senator think the Senate ought to make to investigate what the Lobby Committee intends to do with the money?

Mr. BURKE. We would vote no funds for that purpose, but we would merely ask in fairness for some definite statement from the committee as to what the line of their proposed activity would be, what they were going to investigate, and particularly in reference to the newspapers.

Mr. SCHWELLENBACH. Is the Senator serious in his objection to the investigation? Is an investigation of the newspapers the thing he has in mind?

Mr. BURKE. I will say to the Senator that I doubt very much if any word would have been heard from me at all were it not for the suggestion that the newspapers of the country needed this investigation, and that this committee was going out to investigate them. That point having been raised, I think it would be proper, now that the funds are asked for, even though it was declared that nothing of that kind was to be attempted, to know what the committee proposes to do. I suppose, having gone into the matter, we ought to follow it through a little further.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. SCHWELLENBACH. Let me say that there is no intention, and never has been any intention on the part of the committee to make an investigation such as was indicated by the newspapers. I read the article in the newspapers. That is the only source of information which I, as a member of the committee, had concerning it. The matter has never been discussed by the committee. It never has been discussed by individual members of the committee, so far as I know. I think the Senator realizes that my relationship to the Senator from Indiana is such that if he had in mind such a thing he would have discussed it with me.

An article on the subject appeared in the newspapers. If the Senator from Nebraska wants assurances—I remember that the word "assurances" is not a very good word to use around here—if the Senator from Nebraska and those who are opposed to this resolution want assurances from the committee that the activities indicated in the newspaper article referred to by the Senator from Missouri will not take place, and have never been contemplated by the committee or any of its members, I will give those assurances to the Senate and to the Senator from Nebraska. I wish we could limit the discussion, and eliminate that part of it, because there is not any basis for it.

Mr. BURKE. That is very fine indeed. We are glad to have that information. The Senator from Washington has given a very satisfactory assurance, and, of course, all of us who know him would accept his assurance without any equivocation, as we would accept a similar assurance from the Senator from Indiana if it were given, but it has not been given, at least upon the floor of the Senate.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. MINTON. I give the assurance. Let me tell the Senator where the story came from. The distinguished

senior Senator from Maryland [Mr. TYDINGS] suggested to me that he thought it would be a very good thing for the Lobby Committee to carry on an objective study of the newspapers of the country to see if they were lying, distorting, or coloring the news. I suggested that I thought that might be a good thing for the Lobby Committee to do. The Lobby Committee was never committed to doing it.

When asked by some newspaperman what the Lobby Committee was going to do, I said that it had been suggested to me by the Senator from Maryland that it might carry on an objective study of the newspapers. I never said that the Lobby Committee had any such plan. I never said that the Lobby Committee was going to pursue any such course. I said that was one of the things it might do, and that I thought the Senator from Maryland had made a very good suggestion.

In the course of the suggestion and the conversation with the newspaperman, he said, "Well, would you investigate only those newspapers opposed to the administration?" I said, "Certainly not. We would also investigate those which were in favor of the administration. For instance, we might start out, as representative material to work on, with the Chicago Tribune and the New York Herald Tribune, both known to be against the administration, and the Philadelphia Record, known to favor the administration."

One newspaperman in New York thought that I could not have been talking about the Philadelphia Record; that I must have been mistaken, and was talking about the Philadelphia Inquirer. Therefore, when he wrote the story, he changed it around, and changed my wording from the Philadelphia Record to the Philadelphia Inquirer. So the story went out all over the country—and that is the story the Senator read—that the Lobby Committee proposed to investigate the newspapers which were against the New Deal.

That story is not so. There is not a word of truth in it. That never was the purpose of the Lobby Committee, or its chairman, or any member of it. All that got into the newspapers grew out of the suggestion of the Senator from Maryland that he thought it would be a good thing for the Lobby Committee to make an objective study of the newspapers of the country to determine whether or not they were lying in the news columns, and whether or not they were distorting or coloring the news.

I agreed with the Senator from Maryland, that it would probably be a good thing. Out of that grew the story, the fabrication, and the complete changing of the wording of my conversation. As the man said, he saw it on the ticker, and when he saw the Philadelphia Record he thought "he could not have been talking about the Philadelphia Record. He must have been talking about the Philadelphia Inquirer." So he just changed the story and wrote in the New York Herald Tribune, that I was talking about the Philadelphia Inquirer. So his story went out that way all over the country.

That is the kind of thing to which I have been subjected since I had the temerity to suggest upon the floor of the Senate that the so-called free press of the country wanted to gag free speech by censoring the radio. In order to test out the good faith of the so-called free press of the country, I suggested a little bill which would make it a crime for a newspaper deliberately to lie; I discovered, for the first time in my life, that it was necessary in the running of a newspaper to be able deliberately to lie.

Mr. CLARK. Mr. President—

Mr. BURKE. I yield to the Senator from Missouri.

Mr. CLARK. I should like to ask the Senator from Indiana, before he takes his seat, what is the difference between an objective study of the fairness of the editorial policy of newspapers, and a prelude to censorship, such as exists in Germany?

Mr. MINTON. There is all the difference in the world between seeking an objective view of the newspapers—looking at them and trying to find out whether or not the

newspapers carry, not in their editorial columns, but in their news columns, false statements, colored statements, or misrepresentations of one kind or another—and censorship of the press.

The Senator from Maryland suggested a way in which we might work; and I think it was a good suggestion. He said, "Suppose there appeared in some newspaper a story about me, or about the Senator from Missouri."

Mr. CLARK. And such stories have appeared.

Mr. MINTON. "Let the committee take the story to the Senator from Missouri and check up on it and see whether or not he was correctly represented in the story, or whether there was falsehood, distortion, misrepresentation, or coloring of any kind in it."

That is an objective study, is it not, looking at the news and trying to find out whether the truth is in it?

Mr. CLARK. If the Senator will permit me, I understand Mr. Goebbels in Germany has been conducting an objective study of the truth not only of German, but foreign newspapers, throughout the period of the Nazi domination of Germany.

Mr. MINTON. Perhaps he has. Does the Senator object to that?

Mr. CLARK. If the Senator will permit me, I think the whole difficulty comes about in the use of the term "objective study." I do not see any way in which the Congress of the United States can undertake to conduct a study, reporting officially as to the fairness of this newspaper, or that newspaper, or the other newspaper, without invading the constitutional guaranty of the freedom of the press.

Mr. MINTON. I think we could take a look at them without trying to abridge their privilege to lie if they want to do so. I think we could take a look at them and determine whether or not they are lying, without passing any legislation to try to keep them from lying if they must lie.

Mr. BURKE. Mr. President, I deny the right of any committee of the United States Senate to make an objective study, or any other kind of a study, of the editorial or news policy of any of the newspapers of the country; and if the funds are to be used for a so-called objective study of the press the money ought not to be voted.

Mr. HATCH. Mr. President—

Mr. BURKE. I now yield to the Senator from New Mexico. I shall follow that up by yielding to the Senator from Kentucky [Mr. LOGAN].

Mr. HATCH. I merely wish to suggest at this stage of the debate that in considering whether or not the appropriation should be authorized, and what should or should not be done, it would be wise to look at the resolution authorizing the committee, and at least agree that that committee is composed of honorable Senators of the United States who will exercise their duties under the resolution according to its terms and content.

Mr. BURKE. As I recall it, there are some very general terms in the resolution, which would permit an objective study of almost anything under the sun.

I now yield to the Senator from Kentucky.

Mr. LOGAN. I desire to ask the Senator from Nebraska if he cannot find a distinction between the investigation of newspapers, or their policies, and the investigation of a corrupt motive which induces a newspaper to attempt to mislead the public. For example, if a newspaper owner accepts bribes for the express purpose of misleading the public, then would the Senator from Nebraska take the position that if a committee desired to expose what was behind the policy of the newspaper, that would be interference with the freedom of the press? The newspaper owner may print what he pleases, but the public has the right to know the motive behind his printing it.

Mr. BURKE. I do not draw the distinction which the Senator from Kentucky draws. Newspapers in every State of the Union are subject to the libel laws of the country for any untruths they publish. I do not want to commission anyone with the power to investigate the motives, the

hidden meanings, and the desires which might have been in the minds of the newspaper publishers. That policy is something that does not go along with freedom of the press at all.

Mr. LOGAN. Do I understand that the Senator believes that freedom of the press means license to print anything, whether true or false, which the newspaper owner desires to print; and that if there is no remedy on the part of an individual to bring suit, the newspaper can do all the harm it desires to the public without any remedy on the part of the public?

Mr. BURKE. My position is that every newspaper in the country has, and ought to have, the right to publish, within its discretion, anything it wants to publish, just as the Senator from Kentucky has the right to speak on the floor of the Senate any thoughts that come to his mind. Newspapers, however, are held to a much more strict accountability than is the Senator, for in every jurisdiction in the country they are subject to the most rigorous libel laws and can be put out of business.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES submitted the following report:

(For full text of conference report on H. R. 10851, see House proceedings of today, p. 9667.)

The report was agreed to.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate, No. 38, to House bill 10851, the second deficiency appropriation bill, and concurring therein; and further insisting upon its disagreement to the amendments of the Senate, Nos. 43 and 44, to the bill.

Mr. BYRNES. I move that the Senate further insist upon its amendments, Nos. 43 and 44, ask for a further conference with the House thereon, and that the chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate at the further conference.

NOTIFICATION TO THE PRESIDENT

Mr. BARKLEY submitted the following resolution (S. Res. 305), which was considered by unanimous consent and agreed to:

Resolved, That a committee of two Senators be appointed by the President of the Senate to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some further communication to make to them.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. McNARY members of the committee.

INVESTIGATION OF LOBBYING ACTIVITIES

The Senate resumed consideration of the motion of Mr. MINTON that the Senate proceed to consider Senate Resolution 279.

Mr. LOGAN. Mr. President, will the Senator from Nebraska yield?

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. LOGAN. I desire to ask the Senator a concrete question. Suppose a newspaper owner should be given a bribe of \$1,000,000 to charge every day in his newspapers that Senators of the United States accepted bribes for their votes, without naming any Senators. There would be no remedy on the part of any individual Senator against that newspaper, would there?

Mr. BURKE. I think, under those circumstances, each of the 96 Senators would have a remedy.

Mr. LOGAN. I do not think the Senator believes that, because he is too good a lawyer.

Mr. BURKE. It could be tried.

Mr. LOGAN. I believe the full freedom of the press should not be disturbed, and that newspaper owners should

have a right to print such matter if they so desire. However, would it not be proper to investigate to find out what motive is behind that printing, so that the public will not have to accept such statements without knowing why they were printed?

Mr. BURKE. A specific charge, against a named newspaper, that it had committed some wrong might call for an investigation, but not a blanket indictment against the press of the whole country, with a spying, investigating committee to go out and determine its secrets, what it was doing, and why.

Mr. LOGAN. Let me say to the Senator that we are agreed that if an individual newspaper willfully and corruptly does damage to the public, it is proper to find out the motives behind it. However, I think the Senator is correct when he says that there should not be a committee appointed to go out and spy upon newspapers to try to find out whether they are doing something of the kind.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. BURKE. I yield to the Senator from South Carolina.

Mr. BYRNES. As chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, I reported the resolution. There is nothing in it specifically authorizing and directing the committee to investigate and consider the matter to which the Senator has been directing his remarks. I quite agree with much of what the Senator says. I believe that the vast majority of newspapermen are honest. I will go further than that and say that in an experience of 25 years I have known not more than two men in the employment of the press with respect to whom I should agree with some of the statements which have been made. If newspapers make statements which are libelous, I am willing to go to courts, where I should go. I do not want any committee investigating those statements. I want to go to the courts to hold newspapers which publish such statements liable.

I submit to the Senator from Nebraska that that is an entirely different situation from that which is now pending in the Senate. The Lobby Committee will be continued. This resolution does not extend its life.

Mr. BURKE. It gives it the sinews of war.

Mr. BYRNES. Well, yes. If the Senator believes that a committee of the Senate should not be continued, I ask him, should we not, just openly and aboveboard, say that we disapprove the existence of the committee and submit a resolution to end its activities?

If we do not do that, and the committee is continued, I do not think we should muddy the waters with the discussion of the newspaper bill introduced by the Senator from Indiana. The question here is whether or not a committee of the Senate which is to be continued should be denied even \$12,500.

The committee asked for \$25,000. The Committee to Audit and Control the Contingent Expenses of the Senate, of which I am chairman, thought they ought to get along with \$12,500, so that we should not be spending too much money. The committee is to be continued. The Senator from Indiana [Mr. MINTON] is chairman of it. I think the Senator from Washington [Mr. SCHWELLENBACH] is upon the committee. I do not know the other members.

Mr. BURKE. The junior Senator from Rhode Island [Mr. GREEN], I believe, is the other majority member.

Mr. BYRNES. If they are upon that committee, shall we deny to a committee of the Senate \$12,500 to pay its clerks, and insist that the members of the committee themselves must do the work?

Mr. BURKE. It depends on what they propose to do with the money.

Mr. BYRNES. I imagine they propose to do what the Senate of the United States directed them to do in the resolution.

If the resolution is wrong, if the Senator from Nebraska will now introduce a resolution to repeal it and abolish the committee, well and good; but if the Senator himself were in charge of a committee, appointed by the Vice President of the United States just as the other members are, and the

committee were created, does he think the Senate should deny to the Senator from Nebraska \$12,500 to employ clerks to carry on the work which the Senate had directed him to do?

Mr. BURKE. If I were chairman of a committee, and announced that I was going out to make an objective study of newspaper policies in this country, I hope the Senate would not give me a red cent.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRNES. But, regardless of any statement of that kind, the Senator from Nebraska is a good lawyer, and he knows that the activities of a committee must be confined to the resolution creating it. The Senator from Indiana was discussing a bill which he had introduced. The Senator from Indiana is not empowered to state what the committee will do. I did not understand him to state what action the committee would take. No chairman has a right to speak for his committee. A committee can speak for itself. I deny the right of the chairman of any committee of which I am a member to say how I shall vote upon a question. We may discuss these other things, but the Senator from Nebraska will agree that the only question here is whether a committee appointed by the Senate to carry out a resolution adopted by the Senate shall be denied the power to employ clerks. This committee cannot do it without having this \$12,500.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield on a matter I have which has to go back to the House?

Mr. CLARK. Mr. President, I should like to say, in answer to the remarks of the Senator from South Carolina, that in this particular case the committee was constituted 3 years ago. The resolution appointing the committee was introduced by the distinguished at that time senior Senator from Alabama, now an Associate Justice of the Supreme Court of the United States. It was originally introduced as a mere resolution to investigate one particular activity of one particular bill. A number of Members of the Senate, including myself, went to the then Senator from Alabama and insisted that the resolution should be broadened sufficiently to include all lobbying activities, including the activities of Government agencies in contravention of section 201 of the Criminal Code of the United States. Senator Black agreed to that broadening; but, so far as I am informed, the committee never investigated anything except the activities upon that one bill.

I think everybody in the Senate assumed that the committee was extinct; at least, that they had spent all their money. Recently, however, when the reorganization bill came up for consideration, it was suddenly discovered by somebody that the committee had some money left, and the committee again started out for the purpose of investigating one particular bill, and using the powers of the committee as a club on citizens writing in to Senators and Representatives on a particular bill.

Mr. President, so far as I am concerned, I announced before I was elected to the Senate that I thought I could recognize a propaganda letter as far as anybody in the United States, and that when I received one I would throw it in the wastebasket, which I have always done, but I am unable to discover what happened to that committee during the 3 years in which they were absolutely inactive, before they again blossomed forth on the reorganization bill. Then the stories appeared in the newspapers—I never heard my very dear friend, the chairman of the committee, deny them—to the effect that this additional appropriation was to be asked for the purpose of conducting an objective study, as he said just a moment ago, of newspaper activities and newspaper policies in the country.

Mr. President, if the Lobby Committee have any investigation in prospect that they desire to conduct, I am perfectly willing to vote to appropriate additional funds. If they intend to conduct an investigation which shall constitute more or less of an American OGPU over the policies of American newspapers, I am not willing to vote for

it; and if they propose to hold this sum in reserve so that whenever there is a popular uprising against a bill of which the majority of the committee happen to be in favor, so that they may again come out and begin to terrorize citizens, I am also opposed to it.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. BURKE. I yield to the Senator from South Carolina. Mr. BYRNES. I agree with much that the Senator from Missouri [Mr. CLARK] has said; but there is a misunderstanding here. I understood the Senator from Indiana [Mr. MINTON] to say that it had been suggested to him by a Member of the Senate—a Member of the Senate for whom I have the highest regard—

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BYRNES. One moment.

Mr. CONNALLY. I desire to make a statement about that very matter.

Mr. BYRNES. Very well; in a moment. The Senator from Nebraska yielded to me. I shall be through in a moment.

I understand that the Senator from Nebraska does not want me to get through in a second. Very well.

Mr. BURKE. I say the Senator is developing such an interesting point that I hope he will not hurry.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield? I have a matter that has to go back to the House.

Mr. BYRNES. One minute, before it is sent back to the House.

The Senator from Indiana said that it had been suggested to him that it would be a good thing to make a certain investigation; but the committee has to pass upon that. The Senator from Nebraska and the Senator from Missouri are good lawyers. The resolution reported here is to the effect that the limit of expenditures for the special committee of the Senate appointed pursuant to Senate Resolution 165 shall be increased. I say I do not believe that Senate Resolution 165 authorized any investigation as to the merits of any particular bill about newspapers. Senate Resolution 165 controls the actions of this committee. It is a lobbying committee. If anyone argues that the committee is exceeding its powers in making any special investigation about the bill introduced by the Senator from Indiana, I may agree with him; but as to the committee appointed by the Senate pursuant to this resolution, the only question is, if that resolution is wrong, and the committee should not be continued, then repeal it.

I do not, however, want to have the Committee to Audit and Control the Contingent Expenses of the Senate rebuked here for its action in recommending the appropriation of the modest sum of \$12,500 for a committee that was appointed by the Senate to do—what? To conduct the inquiry authorized in this resolution.

I have sent for a copy of the resolution. I cannot get it; but I doubt exceedingly whether it authorizes any investigation of the newspaper bill.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. CLARK. The Senator from South Carolina has had much more experience than I have. Did the Senator, during his long experience—

Mr. SCHWELLENBACH. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SCHWELLENBACH. The Senator from South Carolina has not the floor.

Mr. CLARK. Will the Senator from Nebraska yield to me for a moment?

Mr. BURKE. If the Senator from Missouri will pardon me a moment, I am going to yield at this time to the Senator from Washington for a unanimous-consent request, with the understanding that it will not affect my right to the floor.

RELIEF OF CERTAIN ALIENS

Mr. SCHWELLENBACH. Mr. President, I ask unanimous consent for the consideration of a joint resolution from the

House of Representatives, which I ask the Chair to lay before the Senate. I intend to propose an amendment to it.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives which will be read by title.

The joint resolution (H. J. Res. 714) for the relief of certain aliens was read twice by its title.

Mr. CLARK. Mr. President, what is the joint resolution?

The PRESIDENT pro tempore. The joint resolution will be read.

Mr. SCHWELLENBACH. I ask that everything after the resolving clause of the joint resolution be stricken out. I ask to have my amendment read.

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the resolving clause of the joint resolution and in lieu thereof to insert the following:

That the Secretary of Labor is authorized to stay the deportation of any alien whose relief from deportation is provided for by any bill which has been favorably acted on by either the Senate Committee on Immigration or the House Committee on Immigration and Naturalization in the Seventy-fifth Congress; but such stay shall be terminated not later than the date of adjournment of the first regular session of the Seventy-sixth Congress.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. McNARY. Mr. President, is this an amendment of the House measure?

The PRESIDENT pro tempore. The Senator from Washington asks that the Senate consider a House joint resolution, and moves to strike out all after the enacting clause and substitute the language read.

Mr. McNARY. May I ask the Senator to state the purpose of the amendment?

Mr. SCHWELLENBACH. It simply provides that in cases in which the committee of the House or the committee of the Senate has approved the stay of deportation, the Secretary may stay it until the next session of Congress. It must have the approval of one of the two committees.

Mr. McNARY. Does it affect any great number of aliens?

Mr. SCHWELLENBACH. A very, very small number.

Mr. REYNOLDS. About 15, does it not?

Mr. SCHWELLENBACH. About 15.

Mr. RUSSELL. Not over 25 in any event.

Mr. BARKLEY. Mr. President, does the Senator from Washington feel that the amendment can go back to the House and be adopted before adjournment?

Mr. SCHWELLENBACH. Yes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington, striking out all after the resolving clause and inserting the matter heretofore read.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

DEVELOPMENT OF ROTARY-WING AIRCRAFT

Mr. LOGAN. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield to the Senator from Kentucky, with the understanding that I shall not lose the floor.

Mr. LOGAN. On the call of the calendar a while ago Senate bill 3976, Calendar No. 2195, was called, and objection was made at the time by the senior Senator from Utah [Mr. KING]. Since then I have talked with the senior Senator from Utah. The House has passed an identical bill, which is House bill 10605.

I ask unanimous consent that the Senate take up Senate bill 3976 for consideration, and move to substitute the House bill for it.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent for the consideration of a bill, which will be read by title.

The CHIEF CLERK. A bill (S. 3976) to authorize the appropriation of funds for the development of rotary-wing aircraft.

Mr. KING. Mr. President, I shall not object. I simply state that in my opinion we are squandering \$2,000,000; but we are squandering so much, and this item is so insignificant that I cannot object.

There being no objection, the Senate proceeded to consider the bill (S. 3976) to authorize the appropriation of funds for the development of rotary-wing aircraft.

Mr. LOGAN. I ask that the House bill be substituted for the Senate bill and be considered.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10605) to authorize the appropriation of funds for the development of rotary-wing and other aircraft, which was read twice by its title, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the interest of adequate national defense and the further interest of the needs of other governmental activities and of American commercial and civil aeronautics for rotary-wing and other aircraft development there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$2,000,000 to remain available until expended for the purpose of rotary-wing and other aircraft research, development, procurement, experimentation, and operation for service testing.

The Secretary of War is authorized and directed to proceed immediately with said research, development, procurement, experimentation, and operation for service testing and further to allot such sums from this fund to other Federal Departments or agencies as he, in his judgment and discretion and within the limits herein prescribed, may deem advisable for the furtherance of these purposes.

The following agencies of the Federal Government are hereby authorized and directed to submit to the Secretary of War plans for research, development, procurement, experimentation, and operation for service testing of rotary-wing and other aircraft. Upon presentation of plans, together with estimates of requirements, the Secretary of War will approve, apportion, and allot the necessary funds which in his discretion may appear proper for each respectively.

The agencies referred to are:

(a) In the United States Army, the Office of the Chief of Cavalry, the Office of the Chief of Field Artillery, the Office of the Chief of Coast Artillery, the Office of the Chief of Infantry, the Office of the Chief Signal Officer, the Office of the Chief of Air Corps, the Office of the Chief of Medical Corps, the Office of the Quartermaster General, and the National Guard Bureau.

(b) In the Department of Agriculture, the Bureau of Entomology and Plant Quarantine, the Bureau of Biological Survey, and the Forest Service.

(c) In the Department of the Interior, the National Park Service.

(d) In the Treasury Department, the Coast Guard.

(e) In the Department of Commerce, the Bureau of Air Commerce.

(f) In the Department of the Navy, the office of the Chief of Naval Operations, the Bureau of Aeronautics, and the Office of the Chief of Marine Corps.

(g) The National Advisory Committee for Aeronautics.

(h) In the Post Office Department, the Postmaster General.

Such of these agencies as are approved by the Secretary of War for the purpose of carrying out the provisions of this act and to whom the Secretary of War in accordance with the provisions of this act shall allocate funds are hereby directed to report at the end of each fiscal year or at such times as the Secretary of War may direct, showing the progress of the work in hand, future programs, if any, and recommendations. Special emphasis in these reports shall be placed on the utility of rotary-wing and other aircraft at the present time and the promise this type of aircraft holds for the future in the opinion of the chief of each agency concerned.

The sum of \$600,000 is to be taken by the Secretary of War from this appropriation and used exclusively in the placing of contracts for the construction of improved and experimental types of rotary-wing and other aircraft by private industry.

The PRESIDENT pro tempore. Without objection, Senate bill 3976 is indefinitely postponed.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. BURKE. I yield.

Mr. BYRNES. I move to reconsider the vote by which the motion I made about 30 minutes ago that the Senate insist

upon its amendments numbered 43 and 44 to the deficiency bill and asking for a further conference was agreed to.

The motion was agreed to.

Mr. ADAMS. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield.

Mr. ADAMS. Mr. President, I move that the Senate recede from its disagreement with the House as to Senate amendments 43 and 44. In making the motion, I do wish to say, on behalf of the conferees, that in their attitude toward these amendments, one of which involves the amendment of the Senator from Nebraska [Mr. NORRIS], which has been spoken of as the shelterbelt amendment, and the other involves an amendment which we referred to as the McCarran amendment, involving some land about Lake Tahoe, the House conferees were absolutely adamant. We declined to recede, and the matters were both taken back to the House of Representatives, where votes were taken adverse to our position. So we have felt compelled to recede, and therefore I have made this motion.

Mr. NORRIS. Mr. President, I wish to be heard on the motion. It is with deep regret on my part that the House has taken this action on the amendment the Senate adopted to the deficiency bill commonly known as the shelterbelt amendment, although there is more forestry involved in it than shelterbelt. It affects every State in the Union, without any exception, but has a particular bearing upon the great Middle West, and the problems with which the people there have to contend.

I take this occasion to commend the Senate conferees for the stand they have taken. They have stood without any exception unanimously and firmly, like a wall, in favor of the Senate amendment, an amendment which was adopted on a roll-call vote here by 51 to 16.

They insisted that the House conferees who were objecting to the amendment should take the matter back to the House for a vote. The House has voted upon the amendment, and has again rejected it by a majority of 100 votes, I understand. So that it was useless, under those circumstances, for the Senate conferees to attempt to hold out any further.

(At this point a message was received from the House of Representatives by Mr. Calloway, one of its clerks, which appears under the appropriate heading at another point in the RECORD.)

The PRESIDENT pro tempore. The Senator from Nebraska—

Mr. BURKE. Mr. President—

Mr. NORRIS. I have the floor, have I not?

The PRESIDENT pro tempore. The senior Senator from Nebraska has the floor.

Mr. BURKE. Mr. President, I think I had the floor, and I yielded to allow this matter to be taken up.

Mr. NORRIS. I do not believe there can be any doubt that on a motion pending here we are not dependent on the will or the wish of any Senator. Each one of us is entitled to take the floor in his own right on a pending motion, and no Senator can farm out the time on the motion. The motion now is to recede on certain amendments to the deficiency bill, and upon that motion I have been recognized by the Chair, and, as I understand, I am holding the floor in my own right.

Mr. BURKE. Mr. President, if my colleague will yield, the Senator is entirely correct. When the Chair said, "The Senator from Nebraska" I thought he was looking in my direction and I did not realize that the senior Senator had not concluded his remarks. I still have the floor, but I have yielded the floor for the purpose of allowing the motion to be made which the Senator is now discussing.

Mr. NORRIS. Mr. President, the Chair may do what he pleases when I get through, but the junior Senator from Nebraska does not have the floor now. I do not share the floor with anybody. [Laughter.]

The PRESIDENT pro tempore. The senior Senator from Nebraska has the floor to discuss the pending motion.

Mr. NORRIS. The pending motion is to recede on certain amendments, and the so-called shelterbelt amendment is one of them.

The time has come now when the Senate must recede. We are about to adjourn. The House has already passed the adjournment resolution. It would probably be impossible tomorrow to get a quorum in either the House or the Senate if we did not adjourn. So that I am not contesting the motion. I think the motion is proper, and I think it must be agreed to; but I cannot let the occasion pass without saying something about this question, which I have once discussed quite fully on the floor of the Senate.

The people who are interested in this amendment more particularly than any other are those in the great Mississippi Valley in the country west of the Mississippi River, who, during the last 2 or 3 years, have been afflicted by nature with depression, with drought, and with windstorms and everything else that is undesirable in a civilized country. It was thought—it may be wrong, it is true, but it was thought by scientific students of the forestry question and the drought question—that possibly one of the ways to restore that section of the country from the results of the devastation which comes from drought and windstorms could be brought about by this amendment. Those who know more about forestry than I do are almost unanimous that this can be done. The other evening I think I demonstrated, by photographs, which cannot lie, how it has been done in certain localities in the past.

Mr. President, if the problem cannot be handled in that way, a portion of the country must go back to the desert. Our people cannot live in it, cannot sustain life in a portion of it, if what has been going on for the last 2 or 3 years continues indefinitely.

Others, notably the Senator from Montana, told in very forceful language what has been going on in their sections of the country, told what we ought to do, and what we must do, if we are to preserve the country. I say to those who live along the Atlantic coast, on the eastern slope of the Allegheny Mountains, and between the Mississippi River and the Allegheny Mountains, that when the bread basket of the Union is depopulated, if civilization there must die, the food they eat and the clothes they wear will have to be imported from foreign countries.

To a great extent life for all our country comes from the great Mississippi Valley. The top soil is being washed into the Atlantic Ocean through the Gulf of Mexico at the rate of between two and four hundred million tons every year. It is only a question of time, if that keeps up, before the country will be as barren as the washed hills of China.

I feel deeply about this amendment. I myself cannot understand how the House of Representatives could have rejected the amendment by that overwhelming vote. I know from what has come to me that the only open opposition, the only opposition of any kind, indeed, of which I have heard, comes from the nurserymen of the country. They do not want the Government of the United States to plant a shelterbelt, to plant a tree on the western prairies, unless they buy the trees of the nurserymen. I do not believe the nurserymen of this country, when they understand the situation, will stand for that kind of a selfish program.

"Unless you patronize me you must let the country fail," is what the opposition says. "Unless you buy your shrubs and your trees of me you cannot plant them, you cannot have any money to build a shelterbelt or to protect a crop anywhere in the great western plains. We must have our toll or you cannot live." That is the result of it. "We must have our selfish pocketbooks supplied with the coin of the land if you are going to live in that country. Die if you want to, but you cannot live unless you patronize us."

I argued the other night, and I believed it, and believe it now, that any honest man who will look into the facts will realize that this amendment if agreed to would have brought money into the pockets of the nurserymen of the country

from the Atlantic to the Pacific which will not come without the amendment.

They, or someone, defeated the possibility of the great West and the farmers in every State from coming cooperatively in contact with the Forestry Service of the United States, as a result of which contact every woodlot in the United States would be improved and would bring in returns; all of which is going to fail if something like this amendment is not put into effect. The nurserymen themselves are going to find that they have lost money, when we consider it from a selfish standpoint, because this amendment has been defeated. Hundreds of thousands of dollars over this country would have gone into the pockets of the nurserymen if this amendment had been agreed to.

Mr. President, the law which authorized this appropriation I read the other night. I shall read a portion of it again.

It specifically provides that the Government shall not enter into business with the nursery stock which it uses for this purpose; that it shall not put it on the market; that it shall not interfere with the trade of honest nurserymen. Let me read a little with respect to that. After enumerating what can be done under the act, it concludes:

But not including ornamental or other stock—

That means stock of nurseries—

for landscape planting commonly grown by established commercial nurserymen. No stock grown in Government and cooperative nurseries shall be allowed to enter regular trade channels. No cooperative reforestation or afforestation shall be undertaken pursuant to this act unless the cooperator makes available without charge the land to be planted.

It is impossible under the law for the Government to use this nursery stock in competition with the commercial nurseries of the United States.

Mr. President, I am addressing myself to the Chair, and to Senators in the Chamber. I hope Senators will not talk, but give me an opportunity to be heard. It has been decided that I have the floor, and that legally, under the rules of the Senate, I am entitled to perpetuate this agonizing thing upon the Senate, whether Senators like it or not, because I am doing it legally. [Laughter.]

The other night, at the time the amendment was agreed to by the Senate, I read to the Senate a statement from the Forest Service, as to what that Bureau intended to do. In not a single instance are they going to interfere with the legitimate trade of any nurseryman under the sun.

Mr. President, if this work is not done the nurserymen will lose a great deal of trade which would otherwise come to them. In that way they will lose more money than they are spending to lobby against this kind of legislation. The passage of legislation of this kind would make the people all over the United States, in every State, forestry-minded. Already in the great West the people are forestry-minded. Already they are going ahead as far as they can in a very small way to carry out the program. If the amendment were agreed to, the work of reforestation would be carried out on a large scale. A man who wanted a tree for his lawn in town or for his yard in the country could not buy it from the Government. The Government would not sell it to him. But when he saw the shelterbelt, when he saw the good that was coming from these trees which were growing up, trees which would be supplied if this provision were adopted, he would become forestry-minded. He would buy some trees. He would then make some plantings which he ordinarily would not make. To make them he would have to patronize the nurserymen. So the nurserymen of this country, so far as they are opposed to this legislation, are cutting off their own noses to spite their faces. They are doing something detrimental to themselves. What we propose to do rests on the theory, Mr. President, that this legislation would bring about the planting of trees which will not be planted unless the law is passed. It is not going to hurt the nurserymen.

But, Mr. President, I want to say that even if it did hurt the nurserymen, they would not be able to supply the great

demand. Even if it hurt them, how selfish it would be for them to say, "Patronize me or quit trying to save the western country."

Mr. President, I have before me a circular letter. I had the same letter before me the other night when I discussed this matter on the floor of the Senate. When I was speaking then, I thought I would read the letter. It is a circular letter sent to all the nurserymen of Kansas. It tells about the fight that has been made so far on this measure. We passed this particular bill authorizing such an appropriation in May 1937. Yet the boast is made in this circular letter, "We have succeeded in killing every appropriation attempted under this law." They say to their members in Kansas, "We promised the national association that Kansas will contribute \$500" for the purpose of keeping a lobby in Washington to fight any appropriation under the law which we passed—the law from which I have read to the Senate—the law which emphatically protects the very nurserymen themselves. That is what the circular tells the nurserymen.

It asks its members in Kansas who have not contributed to the fund of \$500, to send in money so that Kansas may contribute \$500 to the national association. It gives the name of the man in Washington who has established a permanent office here to lobby in the future against any appropriation of money for the Government to plant any shelterbelt trees, or to provide for any money with which to cooperate with the farmers of the United States in order to improve their wood lots, to improve the production of timber and forestry products throughout the United States. They give the name of one Member of the Senate, and ask their members to write to that great Senator, who they say fought, bled, and died to prevent such an appropriation.

That Senator is one of the firm friends of the farmers of this country. I noticed when the roll was called the other night he voted, as now recorded in the Record, in favor of this appropriation.

They also give the names of Members of the House and ask their members to write to them, to congratulate them on their stand, and tell them how they appreciate the noble fight they have made against any appropriation under this law that Congress has passed.

We have never yet made an appropriation under it. The House has rejected it. I cannot and I do not criticize anybody for his vote. Of course, I do not criticize the House. It was acting within its legal rights. But it has frustrated what, to my mind, is one of the items of human progress necessary to bring particularly the great West back again to a prosperous condition.

The other night I showed the Senate several pictures. One showed a shelterbelt planted beside a field of rye. The rye was up to a man's waist. The figure of a man appeared in the picture. A photograph cannot lie. Just beyond the shelterbelt, where the trees stopped, the hot wind had swept the country clean, and it was as barren as barren can be. There was not a thing on it. That part of the country was almost desolate. The photograph showed a row of trees which had been planted by the Forest Service, and that shelterbelt had brought a crop where there otherwise would have been no crop, where there would have been ruin instead.

Last night I also called attention to the fact that the farmers of the country had ploughed up hundreds of thousands of acres of land to raise food for the soldiers in time of war. I showed how their patriotism had led them on to perform that act. I showed what has now happened in that same land that had been ploughed up.

Mr. President, I shall soon relinquish the floor. I ask Senators to be indulgent and listen to me. This is a serious matter with me. This is life and death to those people, people as good as ever lived under the sun, who have given up their lives to that part of the country, a country which in the last few years nature has made into a barren waste, where the work of a lifetime of thousands of honest men has been dissipated by hot winds, by dust storms, which came from the land that was ploughed up to feed the soldiers in

time of war, land that never ought to have been touched by the plough. We all know it now.

We all see what a mistake was made. But the mistake was made. They made it in response to a patriotic impulse, and many thousands of them have been driven from the lands on which they have raised families and lived the major portion of their lives.

Mr. President, defeat of the amendment means a great deal to the people who live in that section. Now, with Congress about to adjourn, with the House rejecting the amendment in the way it did, of course, there is no other course for us to take, as I see it, but to accept the inevitable.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. ASHURST. Very seldom does anyone speak with the fervor, the feeling, and the intensity that was manifest in the speech of the able senior Senator from Nebraska [Mr. NORRIS] the other evening on this amendment. I know that it wrings his heart to have this amendment rejected.

I do not know whether the Senator has ever been in China, but if he has been he will recall that down through the centuries China refused or failed to conserve her top soils. The soil drifted down the Yangtze Kiang and Hwang-Ho Rivers and into the Yellow Sea. The same fate that overtook China will, in my judgment, overtake the United States, especially the States mentioned by the senior Senator from Nebraska, unless action is taken to conserve their top soils. The top soils will be eroded and carried into the Gulf of Mexico.

While I presume there is nothing else to do but to be realistic and accept the conference report, yet one would be justified in voting to reject the report, because it fails to include the amendment suggested by the Senator from Nebraska. One of the real regrets of my life is that I could not be in the Senate the other night to vote for the amendment. My physician ordered me home. Had I been permitted to stay, I should have voted for the amendment.

History has a strange way of presenting characters upon the screen. This afternoon, for a moment, I occupied myself by making a list of Senators who have distinguished themselves since the beginning of the Republic. I put down the names of Aaron Burr and Rufus King, of Thomas H. Benton and Stephen A. Douglas, Calhoun, Hoar, Lodge, Daniel Webster and Henry Clay, of James G. Blaine, and my favorite of them all, Roscoe Conkling, David B. Hill, Joe Bailey, Nelson W. Aldrich, and I thought to myself while writing that I could not make a fair list if the name of George W. Norris, of Nebraska, were omitted.

Mr. President, my opinion is that when we are slumbering in forgotten graves, he will be gratefully remembered by posterity for the fight he has made in behalf of those things that subsist a Nation and keep it strong, virile, and great.

I am grateful to my constituents that they gave me an opportunity to serve with this undoubtedly great man, GEORGE W. NORRIS. I hope I may not make invidious distinctions when I say that when history gathers into her golden urn the muniments of her preservation, amongst the names of men who have stood for good government and for a good Nation will be that of GEORGE W. NORRIS. I am willing to follow his leadership.

Mr. NORRIS. I thank the Senator. If we had this question before us in the middle of the session, I should desire to have the conference report rejected. However, Mr. President, it seems to me absolutely impossible to accomplish anything by doing so.

The conference committee consulted me after they had met the House conferees, after the matter was taken back to the House, and after the House had voted. I said to them—and I wish to say publicly now—that I think every one of the conferees did his duty. They failed. I think they are absolutely right, and that there was no other course than to recede. I should have done the same thing had I been one of the conferees.

Mr. President, it seems to me the motion made by the Senator from South Carolina ought to prevail. I see nothing to be gained by a rejection of the conference report at this hour. We shall accomplish nothing. Those who believe in the amendment must agree with me, I think, when I say we are up against a stone wall, and for the time being it is humanly impossible to go further.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado [Mr. ADAMS].

The motion was agreed to.

TAXICAB INSURANCE IN THE DISTRICT OF COLUMBIA

Mr. KING. Mr. President, I move that the Senate recede from its amendments to House bill 7084, a bill to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes.

Mr. SCHWELLENBACH. Mr. President, may we have an explanation of the conference report on the question of insurance?

Mr. KING. I was not a member of the conference committee which considered the differences between the two Houses on this bill. I regret that the Senator from Maryland [Mr. TYDINGS], who is one of the conferees upon the part of the Senate, and who is familiar with the work of the conferees, is unable to be here at this time. I am not entirely familiar with the proceedings of the conferees, but, as I understand, the bill as it passed the House originally provided a system of insurance which met with considerable opposition in the Senate. The Senate amended the House bill, and provided, as I understand, that each taxicab for hire operating in the District should be covered by a liability insurance policy. The bill as amended by the Senate was not accepted by the House, and conferees were appointed. My recollection is that upon two occasions conference reports were approved by the Senate but disagreed to by the House.

On the 15th instant the Senator from Maryland [Mr. TYDINGS] stated that "in order to break the impasse he requested that the Senate reconsider its request for a conference with the House," and that if the request was agreed to he would ask for the return of the papers from the House to the Senate, hoping that in that way some action might be taken before adjournment. The request was granted, and the House was asked to return the bill, H. R. 7084, and the papers in connection with the same. I have just been advised that the House has acceded to the request and returned the papers to the Senate, and they are now upon the clerk's desk.

It is apparent that the House will not accept the Senate provisions, and for that reason I am asking the Senate to recede from its amendments to the House bill.

Mr. SCHWELLENBACH. What is the policy limit?

Mr. KING. I was not one of the conferees. However, as I am advised, the situation is as I have indicated, so that if the Senate recedes that will end the controversy and provide some form of protection for the public.

The PRESIDENT pro tempore. What is the desire of the Senator from Utah with regard to the report? The Chair is informed that there is a disagreement upon the part of the House. Certain amendments of the Senate, still in existence—

Mr. SCHWELLENBACH. Mr. President—

The PRESIDENT pro tempore. Let the Chair state the motion of the Senator from Utah.

The Senator from Utah [Mr. KING] moves that the Senate recede from its amendments. Does the Senator from Washington desire to address himself to that subject?

Mr. SCHWELLENBACH. I appreciate the situation in which the Senator from Utah finds himself. However, it is a very important subject. I think probably one of the most disgraceful situations in the District of Columbia is the fact that we do not require insurance of public vehicles.

On the other hand, the senior Senator from Maryland [Mr. TYDINGS] the other day explained to the Senate the provisions

of the House amendment which, so far as the individual taxicab owner is concerned, would be equally outrageous.

I think we should have someone who is a member of the conference committee explain what the provisions of the agreement are, so that the Senate may intelligently vote upon the question.

Mr. KING. I will say to the Senator that I am advised that the Senator from Maryland [Mr. TYDINGS] agrees to the compromise which has been effected. I should not have made the motion if I had not been advised that the chairman of the conference committee approved it.

Mr. SCHWELLENBACH. We have only the statement that the House bill is being accepted by the conferees.

Mr. KING. As stated, I am not a member of the conference. The Senator from Maryland [Mr. TYDINGS] is absent, and another member of the conference committee, the Senator from New Hampshire, is not in the city, and the other member of the conference is not for the moment in the Chamber. I am advised, however, that the Senator from Maryland and one of the conferees, while not satisfied with the compromise, believe it best to accept the bill as it passed the House, which means that the Senate recede from its amendments. I may say that the Senator from Maryland [Mr. TYDINGS] stated to me before leaving the city today that no taxicab insurance legislation was possible other than the House bill and that under all the circumstances it was believed wise to secure some legislation and for that reason he was willing to recommend that the Senate approve the House bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Utah that the Senate recede from its amendments.

The motion was agreed to.

LETTER OF APPRECIATION FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, which was read and ordered to lie on the table, as follows:

THE WHITE HOUSE,
Washington, June 16, 1938.

MY DEAR MR. VICE PRESIDENT: In these closing hours of the 1938 session of the Seventy-fifth Congress I want to extend through you to the Members of the Senate of the United States my sincere good wishes.

I am confident that the country joins with me in the belief that this session of the Congress has resulted in much constructive legislation for the benefit of the people. Definitely, we are making progress in meeting the many new problems which confront us.

With appreciation of all that you have done,

Faithfully yours,

FRANKLIN D. ROOSEVELT.

HON. JOHN NANCE GARNER,

Vice President of the United States,

Washington, D. C.

NOTIFICATION TO THE PRESIDENT

Mr. BARKLEY and Mr. McNARY appeared, and Mr. BARKLEY said: Mr. President, the committee appointed earlier in the evening to wait upon the President to ascertain whether he had any further communication to make to the Congress reports that it has performed its duty, and that the President has no further communication to address to the Congress.

COMMITTEE TO INVESTIGATE SENATORIAL CAMPAIGN EXPENDITURES

The PRESIDENT pro tempore laid before the Senate the following letter, which was read:

UNITED STATES SENATE,
June 16, 1938.

MY DEAR MR. PRESIDENT: Due to my appointment as chairman of the Democratic Senatorial Committee, I feel it necessary to resign as a member of the Senate Committee to Investigate Campaign Expenditures, and do so.

PRENTISS M. BROWN.

The PRESIDENT pro tempore. The Chair appoints the Senator from Mississippi [Mr. HARRISON] a member of the

special committee to investigate senatorial campaign expenditures for 1938, created under Senate Resolution 283, vice the Senator from Michigan [Mr. Brown] resigned.

SPECIAL COMMITTEE ON TAXATION OF GOVERNMENTAL SECURITIES AND SALARIES

The PRESIDENT pro tempore. The Chair appoints the Senator from Michigan [Mr. Brown], the Senator from Virginia [Mr. Byrd], the Senator from Delaware [Mr. Townsend], the Senator from Kentucky [Mr. Logan], the Senator from Kansas [Mr. McGill], and the Senator from Vermont [Mr. Austin] members of the Special Committee on Taxation of Governmental Securities and Salaries, established by Senate Resolution 303, agreed to June 16, 1938.

INVESTIGATION OF LOBBYING ACTIVITIES

The Senate resumed the consideration of the motion of Mr. Minton that the Senate proceed to the consideration of Senate Resolution 279.

Mr. BURKE. Mr. President—

The PRESIDENT pro tempore. The Senator from Nebraska has the floor.

Mr. BYRNES. Mr. President, will the Senator yield to me? Mr. BURKE. Before doing so, may I say that I am continuing the occupancy of the floor, which started some 2½ hours ago, having yielded, not the floor, but for the privileged matter of presenting a conference report. I shall proceed from where I left off some time ago. I now yield to the Senator from South Carolina.

RELIEF OF BERTRAM RICH—CONFERENCE REPORT

Mr. BROWN of Michigan submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 662) for the relief of Bertram Rich, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

In lieu of the figures "\$750", insert "\$1,274", and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, and to the amendment of the title, and agree to the same.

PRENTISS M. BROWN,
JOHN G. TOWNSEND, JR.,
J. W. BAILEY,

Managers on the part of the Senate.

AMBROSE KENNEDY,
FRANCIS CASE,
HERMAN P. EBERHARTER,

Managers on the part of the House.

The report was agreed to.

CONSIDERATION OF HOUSE BILLS

Mr. BYRNES. Mr. President, a number of bills have come over from the House. I ask unanimous consent to have them acted upon.

The PRESIDENT pro tempore. They come under the unanimous-consent agreement.

COINAGE OF 50-CENT PIECES IN COMMEMORATION OF FOUR HUNDREDTH ANNIVERSARY OF EXPLORATIONS OF CORONADO

The bill (H. R. 2734) to authorize the coinage of 50-cent pieces in commemoration of the four hundredth anniversary of the journey and explorations of Francisco Vasquez de Coronado, was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

TRAVEL ALLOWANCE TO RAILWAY-MAIL CLERKS ASSIGNED TO ROAD DUTY

The bill (H. R. 10051) to provide for travel allowance to railway-mail clerks assigned to road duty was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

AMERICAN NATIONAL BANK, KALAMAZOO, MICH.

The bill (H. R. 10527) for the relief of the American National Bank, Kalamazoo, Mich., was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

PERU & INDIANAPOLIS RAILWAY POSTOFFICE

The joint resolution (H. J. Res. 663) to provide for the operation of the Peru & Indianapolis Railway post office by motor vehicle over the public highways was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

TRANSPORTATION OF CERTAIN PERSONS IN INTERSTATE COMMERCE DURING LABOR CONTROVERSIES

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 2403) to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes, which were, on page 2, line 5, after the word "organization", to insert "or"; in the same line, after the word "bargaining", to strike out "or other concerted activities for mutual aid or protection"; in line 13, after the word "both", to strike out the quotation mark; and at the end of the bill, to insert a new paragraph to be lettered "(c)", so as to make the bill read:

Be it enacted, etc., That the act entitled "An act making it a felony to transport in interstate or foreign commerce persons to be employed to obstruct or interfere with the right of peaceful picketing during labor controversies," approved June 24, 1936, is amended to read as follows:

"That (a) it shall be unlawful to transport or cause to be transported in interstate or foreign commerce any person who is employed or is to be employed for the purpose of obstructing or interfering by force or threats with (1) peaceful picketing by employees during any labor controversy affecting wages, hours, or conditions of labor; or (2) the exercise by employees of any of the rights of self organization or collective bargaining.

"(b) Any person who willfully violates or aids or abets any person in violating any provision of this act, and any person who is knowingly transported in or travels in interstate or foreign commerce for any of the purposes enumerated in this act, shall be deemed guilty of a felony, and shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than 2 years, or both.

"(c) The provisions of this act shall not apply to common carriers."

Mr. KING. Mr. President, is the Senator asking us to pass this bill without its being considered by the House?

Mr. HAYDEN. This is a Senate bill with House amendments.

Mr. KING. I have no objection.

Mr. BYRNES. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

INVESTIGATION OF LOBBYING ACTIVITIES

The Senate resumed the consideration of the motion of Mr. Minton that the Senate proceed to the consideration of Senate Resolution 279.

Mr. CONNALLY and Mr. McKellar addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Nebraska [Mr. Burke] still has the floor. Does the Senator yield, and, if so, to whom?

Mr. BURKE. I yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, let me say to the Senator from Nebraska that the statement I am about to make is not necessarily a statement of my own views. My colleague and deskmate, the senior Senator from Maryland [Mr. Tydings], has just called me on the long-distance telephone from Havre de Grace and requested that I make the following statement with respect to the matters to which the junior Senator from Indiana adverted earlier in the discussion:

The Senator from Maryland [Mr. Tydings] requested that I state that he had not made any suggestion to anyone for a general investigation of newspapers, but that he had said to the Senator from Indiana [Mr. Minton] that if any investigation of the newspapers was to be undertaken, in view of certain complaints made to him by a number of other Senators as to having been libeled—according to those Senators—by two columnists, he thought the two columnists should be investigated.

THE COAST AND GEODETIC SURVEY VESSELS

Mr. McKellar. Mr. President, some time ago, when Senate bill 4055, Calendar No. 2059, was called, I offered an

objection to it. I now withdraw that objection and ask for its consideration.

Mr. KING. I renew the objection.

The PRESIDENT pro tempore. The Senator from Tennessee asks for the present consideration of Calendar No. 2059, Senate bill 4055. Is there objection?

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is made. The junior Senator from Nebraska has the floor.

Mr. HOLT. Mr. President—

Mr. BURKE. I yield to the Senator from West Virginia.

Mr. HOLT. A parliamentary inquiry. Inasmuch as business has intervened since the last quorum call, is another quorum call in order without the Senator losing the floor? If so, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska would have to yield the floor for that purpose.

Mr. HOLT. With the understanding that we are to adjourn shortly, it is not necessary; so I withdraw the suggestion.

PERSECUTION OF JEWS IN GERMANY

Mr. KING. Mr. President, the lateness of the hour precludes me from speaking upon a very important subject—namely, conditions in Germany, and particularly the persecution to which the Jews have been and are being subjected under the Hitler regime. I ask unanimous consent that my address, which will be furnished later, may be inserted in the permanent Record in today's proceedings and printed in the regular type.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, a few days ago I briefly referred to the tragic conditions in China, and to the cruel persecutions to which hundreds of thousands of German and Austrian citizens have been and are being subjected. Before this session of Congress adjourns it should, in my opinion, take cognizance of the conditions prevailing in the countries referred to and adopt such measures as are warranted under international law, hoping thereby that such tragic conditions might be brought to an end.

I have heretofore discussed the brutal and destructive policies of Japan in China, and shall now direct my remarks to the situation in Germany, and particularly to the inhuman treatment by the Nazi government of hundreds of thousands of German and Austrian citizens—both Jews and Christians.

I recognize the right of the citizens of any country to establish such government as they deem best to meet their requirements, but a decent respect for the opinions of mankind and a proper regard for the principles of justice and morality, demand that the government so established shall be promotive of the happiness and welfare of those owing it allegiance, and that so long as it is a member of the society of nations, it shall adopt such measures and pursue such policies as are consistent with the views, customs, and practices of civilized nations. This is particularly true as to those nations bound together by multilateral treaties.

More and more, nations are being drawn into closer relations, so that the term "family of nations" takes on new significance and moral and spiritual connotations. We recognize the rights of our neighbors, but we are not forbidden to protest against brutal and inhuman treatment of the children of our neighbor, even though inflicted by the parent. In this advanced period of civilization, it is assumed that nations will protect their nationals and accord them a just, humane, and progressive government.

We measure the progress of the human race by its advancement from primitive conditions, and the recognition of the rights and privileges of all classes accorded persons within their borders. The ghastly pages of history are replete with recitations of savage and barbarous cruelties inflicted upon minorities—racial and political—within various nations. There is a recrudescence in some countries of

those primitive and atavistic propensities which have left such tragic records of human suffering. Those who have a proper attitude toward life must regard themselves as a part of a great movement guided by moral purposes, which seeks a goal within the reach of man, where there will be found freedom, peace, and justice under the reign of law. Tribal conditions gave way to higher forms of society and slowly, out of the mists and darkness of the past, civilization emerged, and yet the civilization of this day has a long road to travel before it brings to humanity the fruits and treasures of peace and culture and spirituality essential to happiness and world unity.

May I add, in passing, that Germany should be one of the leaders in such a movement; but she will forfeit her position as one of the standard bearers of a better and higher civilization, if she persists in the cruel and wholly indefensible course which she is pursuing with respect to hundreds of thousands of men, women, and children, who are entitled to all the privileges, rights, and immunities of German nationals. Unfortunately, in Germany, as well as in some other countries, the true spirit of democracy, liberty, and justice encounters formidable opposition, and we are made conscious of the fact that there are obstacles and barriers in the highway leading to higher forms of civilization, which are as obvious as the jagged rocks which protrude in the harbor when the tide ebbs out to the sea.

It has been said that the supreme question is whether there shall be established a brotherhood of man, and that God created a brotherhood, but the responsibility rests upon us to acknowledge the validity of that which He has created. In the confusion of the hour when the forces of reaction, irreligion, paganism, and defeatism are strongly arrayed, there must be no abandonment of the contest for justice, equality, liberty, and the enjoyment of those rights and privileges which are the product of true civilization.

As I have indicated, the peoples of the world are being drawn closer together; time and space are being annihilated, and the cries of the oppressed in any part of the world are heard around the world. The inhuman treatment accorded Jews and Christians by the Nazi government challenges the attention of the civilized world, and though, as I have stated, peoples may organize and maintain such political institutions as they may desire, nevertheless they may not escape the eyes of the world or legitimate criticisms and condemnation.

I have referred to the fact that nations are being drawn closer together; international conferences participated in by many nations are constantly being held at which social, economic, and political questions are being considered and policies adopted, having for their object the amelioration of evils and wrongs—social, economic, or otherwise—in all parts of the world. At these conferences the questions of health, sanitation, improvement of labor conditions, removal of racial and other discriminations—these and other vital questions are being considered; they are questions, as I have stated, which relate to the family of nations.

Our Government has not been indifferent to wrongs perpetrated by governments against their own nationals. When Greece was a part of the Turkish Empire and it was charged that they were subject to cruel treatment and discriminatory laws and policies, our Government lifted its voice in behalf of the oppressed. The President of the United States, among other things, stated that it was "our most earnest wish that Greece might obtain the rank of an independent nation." He transmitted to the House of Representatives a report from the Secretary of State, together with various documents which dealt with conditions prevailing in Greece. Webster presented a memorial to the House of Representatives asking Congress to assure the people of Greece of the deep interest felt by the people of the United States in their efforts for justice and liberty.

It will be recalled that our Government interposed when Latin American countries, because of the despotic treatment to which they were subjected by the Spanish Government,

revolted and endeavored to set up governments under which they might enjoy freedom and justice. Not only was the Spanish Government condemned, but a policy was adopted by the United States which was in effect a shield for the protection of the newly established Latin American governments.

It will not be forgotten the extent to which the people of the United States were stirred when Kossuth and his supporters valiantly struggled against the wrongs to which they were subjected.

Citizens of the United States are not of one race or of one creed, nor are they despoiled of their property or driven from our shores because of their race or creed or political views. They find no warrant for civilized states denying their citizens freedom of speech or religion or the right of conscience, nor can they find justification for expelling nationals because of racial or religious differences. The rights of minorities, regardless of race, creed, or condition, are and should be as sacred as the rights of majorities. This is the basis of freedom. This is essential if liberty is to be enjoyed and genuine and progressive civilization is to triumph.

Within the borders of this Republic are millions of persons who were born in other lands. Many fled from persecution to enjoy the liberty guaranteed by the Constitution of the United States, and because of the persecution to which they were subjected by reason of racial, religious, or political differences. Not only from Germany, but from Russia and other countries, noble and patriotic persons have been compelled to seek asylums in other lands. In 1848 the policies of Germany compelled thousands of German citizens to seek homes in other lands; and from Russia many persons were driven because of the wrongs to which they were subjected.

A citizen of Germany, who became a great American patriot, found refuge in this Republic, and his voice was heard upon various occasions in behalf of the downtrodden and oppressed in other lands. On the 1st day of February 1882 a great mass meeting was held in New York to protest against the persecution of the Jews in Russia. This great German-American, Carl Schurz, in addressing the gathering, said:

The persecution and maltreatment of human beings on account of their race or religious belief is always an offense not only unjust to the victims but also degrading to the offender. But the persecution and maltreatment of the Jews, as mankind has witnessed it and is now witnessing it in several countries, has not been only barbarous in the ferocity of its excesses but in a singular degree self-debasing and cowardly in the invention of reasons adduced for its justification.

These horrors are only one more revelation of the ulterior tendency of a movement which here and there assumes the mask of superior respectability. Here again is the whole question brought before the conscience of mankind. May this event put in clearer light the fact that the history of the world exhibits no more monumental record of monstrous injustices than the persecutions inflicted on the Jews during so many centuries. We may thus hope, also, to see the other fact universally recognized that wherever the Jewish race, with its wonderful vitality and its remarkable productiveness of talent and energy, enjoys the equal protection of just laws and a due appreciation of its self-respect, it will, far from remaining a race of aliens, furnish its full contingent of law-abiding, peaceful, industrious, public-spirited, and patriotic citizenship, vying with the best.

This indictment of the Russian Government, because of its cowardly and inhuman pogroms, is an indictment of the Nazi government, because of its brutal and degrading conduct with respect, not only to Jews in Germany and in Austria; but to Christians who do not accept the paganism which the leader of Germany seeks to fasten upon his country.

The pretexts given by the Russian persecutors of the Jews are paralleled by those offered by Nazi leaders for the brutal treatment to which they are subjecting men and women of culture and refinement, and of high moral and spiritual standards.

When the present ruler of Germany came into power there were approximately 600,000 Jews in Germany. Immediately war was declared against them—a war to deprive them of their rights as citizens, and of their property, and their means

of existence. The purpose was to despoil them of their property, deprive them of their means of livelihood, and drive them into other countries. It is impossible to describe the cruel and barbarous methods employed and the sorrows and tragedies visited upon a helpless and unoffending people. If the cries of sorrow and persecution are registered in heaven, then the Nazi regime will have much to account for.

This conscience of civilized nations, and particularly of Christian peoples, should be aroused against the foul and cruel deeds of the Nazi government. Not satisfied with the cruelties inflicted upon the Jews and Christians in Germany, the Nazi government, since it has destroyed the independence of Austria, has turned its merciless machine against not only the Jews in Austria but also tens of thousands of other Austrians who loved their country; and the Nazi regime is now devising new methods of torture and cruelty in order to liquidate the Jewish problem, which means the confiscation of the property of the Jews and their expulsion from Germany and Austria.

A number of nations have taken cognizance of the plight of these despoiled and oppressed peoples, who, after being robbed, are to be driven from their country, and are taking counsel for the purpose of affording some relief to meet a situation so tragic. Our Department of State, on the 24th of March of this year, gave to the press the following statement:

This Government has become so impressed with the urgency of the problem of political refugees that it has inquired of a number of governments in Europe and in this hemisphere whether they would be willing to cooperate in setting up a special committee for the purpose of facilitating the emigration from Austria and presumably from Germany of political refugees. Our idea is that whereas such representatives would be designated by the governments concerned, any financing of the emergency emigration referred to would be undertaken by private organizations within the respective countries. Furthermore, it should be understood that no country would be expected or asked to receive a greater number of immigrants than is permitted by its existing legislation. In making this proposal the Government of the United States has emphasized that it in no sense intends to discourage or interfere with such work as is already being done on the refugee problem by any existing international agency. It has been prompted to make its proposal because of the urgency of the problem with which the world is faced and the necessity of speedy cooperative effort under governmental supervision if widespread human suffering is to be averted.

It will be observed that our Government declared that "it has been prompted to make its proposal because of the urgency of the problem with which the world is faced, and the necessity of speedy cooperative effort under governmental supervision if widespread human suffering is to be averted." It is obvious that the situation is tragic; that the suffering of these persecuted human beings calls for pity and for aid; and it is to be hoped that measures will be adopted to meet in part at least the needs of these hundreds of thousands of suffering and stricken people.

I pause to remark that it would seem that a situation so terrible and which prompts the calling of a conference to deal with persecuted and starving people would lead to a condemnation of the government that is responsible for this catastrophic situation.

Our Department of State, on May 11, issued the following statement:

The Government of the United States is consulting with the more than 30 governments which have agreed to cooperate in setting up the special intergovernmental committee to facilitate the emigration from Austria and from Germany of political refugees, concerning the time and place for the first meeting of the committee. In order that the intergovernmental committee may meet with as little delay as possible, the Government of the United States has suggested that the first meeting be held July 6, at Evian, France. The French Government has already welcomed this suggestion.

And, on the 16th of May, a further statement was issued by the Department of State. This was followed by another statement, issued by the Department of State on the 16th of May. The two statements are as follows:

The Department has designated Mr. Robert Pell, divisional assistant in the Department of State, as assistant to Mr. Myron

Taylor, the representative of the United States on the International Committee for Refugees. It is believed Mr. Pell's special qualifications and particularly his experience in international conferences will make him particularly useful to Mr. Taylor. Mr. George Brandt, Foreign Service officer, class III, has also been designated to assist Mr. Taylor, because of Mr. Brandt's special familiarity with immigration questions.

PRESS RELEASE BY THE PRESIDENT'S ADVISORY COMMITTEE ON POLITICAL REFUGEES

The President's Advisory Committee on Political Refugees held its first meeting at the Department of State this morning at 10 o'clock. There were present Mr. Hamilton Fish Armstrong, Mr. Paul Baerwald, Mr. Joseph P. Chamberlain, Mr. Basil Harris, Mr. Louis Kenedy, Mr. James G. McDonald, Mr. James M. Speers, and Rabbi Stephen S. Wise.

The committee elected Mr. McDonald chairman and Dr. Samuel McCrae Cavert secretary.

The committee made a preliminary survey of the ways in which it can aid in the relief of political refugees and their settlement in different parts of the world, within the framework of existing legislation in the countries which have accepted to participate in the Intergovernmental Committee for Refugees.

I am sure that the citizens of the United States and of many other countries will follow with deep concern the work of this advisory committee, and will welcome information that its efforts to meet the situation are proving successful.

While I am gratified to know that our Government and 30 other governments have agreed to cooperate in order to facilitate the emigration from Germany and Austria of political refugees, I feel constrained to observe that I experience a feeling of regret that these governments did not submit protests to the Nazi government against its indefensible and wicked treatment of hundreds of thousands of German and Austrian citizens. Our Government, as well as other governments, has made representations by way of recommendation or protest when policies were pursued which were regarded as inhuman and violative of the rights of citizens. The treatment by the Nazi government of German and Austrian citizens is so harsh and inhuman—so violative of the conventions of society, the rules of international law, the principles of justice and morality which prevail in civilized communities—that I believe our Government, as well as other governments, should lift their voices in protest against what it seems to me is a crime against civilization.

Our own Government furnishes precedents justifying protests against the Nazi government's treatment of Jews and Christians. I recall an instance when Theodore Roosevelt was President; a protest was transmitted to the Rumanian Government by the Secretary of State, under the personal direction of the President, growing out of Jewish persecutions by the Rumanian Government. In the note of transmission it was stated that "the right of remonstrance against the acts of the Rumanian Government is clearly established in favor of this Government." The note further stated:

This Government cannot be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity.

The treatment by the Rumanian Government of the Jews was not so cruel, vindictive, and oppressive as that now being inflicted by the Nazi government upon Jews and Christians in Austria and Germany. Our Government refused to be a "tacit party to the international wrong," and "remonstrated in the name of humanity" against Jewish persecutions. Reports from Germany and Austria, which come to us from day to day, reveal the fact that the Nazi government is adopting still more cruel and degrading methods for the purpose of humiliating and oppressing hundreds of thousands of citizens of Germany and Austria.

The barbarous treatment to which Jews and Christians in Germany are subjected is an international crime, so odious and so far-reaching in its consequences that it becomes a challenge to the foundations of international morality and civilized society, and to the basis of international treaties and international law. Certainly it is an international wrong, because its results affect other nations; it constitutes an attack

upon the moral and spiritual forces which prevail among civilized nations, and is an assault upon the foundations of justice and morality and freedom, which, if destroyed, will destroy civilized governments. It is true a nation, by its abandonment of those principles and truths essential to national honor and international morality, may brand itself as an international outlaw; but its conduct insofar as it immediately affects other nations may not only justify but require individual and collective protests and international condemnation. It is not alone an attack upon a particular race, but it is an assault upon many races, and—what is detestable and unforgivable—it is a resurgence of wild passions and atavistic qualities which prevailed in savage and barbarous periods.

I have referred to the fact that our Government has not been indifferent to the wrongs inflicted by governments upon their nationals; indeed, it has frequently interceded in favor of nationals other than American citizens, where they have been subjected to persecution because of their religious beliefs. Some of our distinguished Secretaries of State, such as Blaine, Gresham, and Hay, declared that the suppressive measures against Hebrew nationals in Russia and Rumania were directly injurious to the interests of the United States in a manner which justified protests. The Nazi persecutions to which I have referred are forcing many German nationals to seek an asylum in the United States. We are familiar with the unemployment situation and the results of any great migration from other countries. By this statement I do not mean to infer that our Government, in connection with other governments, should refuse to aid in meeting a situation which the Secretary of State has declared to be most serious.

I invite attention to the position of our Government when Mr. John Forsythe was Secretary of State in 1840. A number of Hebrews who were American citizens had adopted a resolution expressing sympathy for "their brethren in Damascus because of the cruelties to which they had been subjected and the attention of which had been brought to the notice of the President of the United States by a communication from the American consul at Damascus." The Secretary of State pointed out that a letter of instructions had been written to the American consul at Alexandria, and he also addressed a letter to our Chargé d'Affaires at Constantinople, "instructing him to interpose his good offices in behalf of the oppressed and persecuted race of Jews in the Ottoman dominions, among whose kindred are found some of the most worthy and patriotic of our citizens; and the whole subject, which appeals so strongly to the universal sentiments of justice and humanity, was earnestly recommended to his zeal and discretion."

May I say in passing that there are thousands of American citizens whose kindred are among the groups persecuted and plundered by the Nazi government.

The Swiss constitution formerly permitted discriminations against the Jews, and some of the Swiss Cantons within their strict constitutional rights refused residence in their territories to believers in the Mosaic dispensation, on the ground that the Cantons did not desire an augmentation of the number of Jewish merchants. This discrimination involved citizens of the United States, and there was correspondence on the subject between our Government and Switzerland. In 1850 the American Minister was charged with the duty of negotiating a treaty of commerce between the two countries and President Fillmore forwarded to the Senate in 1851 a proposed general convention which had been signed at Berne, together with a copy of the instructions under which the American negotiators had acted, and also a despatch explanatory of the articles of the convention. President Fillmore, in his message to the Senate, expressed objection to a clause in the proposed convention which reads as follows:

On account of the tenor of the federal constitution of Switzerland, Christians alone are entitled to the enjoyment of the privileges guaranteed by the present articles in the Swiss Cantons, but said Cantons are not prohibited from extending the same privileges to citizens of the United States or other religious persuasions.

The President further pointed out that—

It is quite certain that neither by law nor by treaty nor by any other official proceeding is it competent for the Government of the United States to establish any distinction between its citizens founded on differences in religious beliefs.

After some modifications the treaty was approved, but in 1857 the Secretary of State, Louis Cass, instructed the United States Minister at Switzerland as follows:

I am directed by the President to instruct you to use all the means in your power to effect the removal of the odious restrictions complained of, which it is understood are contained in the laws of but four of the Swiss Cantons. You are requested to inform the Department on this point, and to state the names of the Cantons in which these laws exist.

I should add that in the Canton of Basel a law was promulgated to the effect that no Jew, without exception, is permitted to settle, to carry on commerce, trade, or handicraft in the Canton. Other restrictive provisions were also enacted.

The American Minister, in his reply to Secretary Cass, stated that he would—

Endeavor to present the question in so clear a light as to demonstrate that a more liberal course is required by the dignity and even by the material interest of Switzerland herself.

Secretary Cass dispatched a further communication to our Minister stating:

The President learns with pleasure that your efforts in behalf of the American Israelites in Switzerland have not been relaxed. The removal of the restrictions contained in the cantonal laws so oppressive to Jewish citizens of the United States is, as you are aware, a matter which the President has much at heart; and he indulges the hope that the measures taken by you to secure that result may be successful.

The Swiss Confederation later adopted a new federal constitution which accorded full religious liberty to all.

It is apparent that the attitude of our Government in protesting against the discriminations by the Swiss Government against Jews not American citizens, but citizens and residents of Switzerland, was effective in removing such discriminations.

In 1857 the State Department received information as to the conviction of a Jew in the Two Sicilies for blasphemy. The American Minister, Mr. Chandler, joined with consuls from other countries in protesting against the conviction and execution of the Jew; and our Secretary of State, Mr. Cass, notified Mr. Chandler that his course "meets with the approval of the Government of the United States."

In 1878 the Secretary of State, Mr. Evarts, communicated with the American consul at Tangiers, stating that he was transmitting a copy of a letter addressed to the State Department by the president and vice president of the Board of Delegates of American Israelites in New York, requesting—

That you be instructed to inquire into the condition of the Jews in that empire, and to consult for the amelioration of their status. I also enclose a copy of the reply thereto of the Department, by which you will perceive that Mr. Isaacs has been informed that in view of the fact that the informal friendly offices of the United States have on similar occasions been exercised with good results, through their representatives abroad, you would be authorized to act in the sense of his request. You are consequently requested to take such steps toward the accomplishment of the end desired as may be consistent with your international obligations, and the efficiency of your official relations with the Government of Morocco.

Later, and during the same month, Secretary of State Evarts wrote to the president and vice president of the board of delegates of the American Israelites:

It is, as you are, of course, aware, difficult for a foreign government to make the full force of its influence felt in intervening for the protection of native subjects of the state addressed. Nevertheless, in view of the fact that the informal and friendly offices of the United States have, at times before now, been used with good effect, through the informal action of their representatives abroad, in the interest of humanity and of that full religious toleration and equity which form so conspicuous a base for our own enlightened institutions, I shall be happy to instruct the United States consul at Tangier that he is at liberty to act in the sense of your request so far as may be consistent with his international obligations and the efficiency of his official relations with the Scheriffian government.

In 1870, an American Hebrew, Benjamin F. Peixotto, was appointed American consul to Rumania, for the purpose, among other things, of promoting Jewish emancipation and cessation of anti-Jewish activity in that country. President Grant handed Mr. Peixotto his credentials, which read as follows:

Mr. Peixotto has undertaken the duties of his present office more as a missionary work for the benefit of the people he represents than for any benefit to accrue to himself—a work in which all citizens will wish him the greatest success. The United States, knowing no distinction of her own citizens on account of religion or nativity, naturally believes in a civilization the world over which will secure the same universal views.

I pause to remark that our Government today knows no distinction of her own citizens on account of religion or nativity and "naturally believes in a civilization the world over which will secure the same universal views."

Speaking for myself, I regret that the Nazi government does not approve the views of this former great President of the United States.

May I add that there had been in Rumania serious opposition to the Jews, and the American consul was appointed to promote Jewish emancipation and to secure cessation of Jewish persecutions.

In 1876 Secretary of State Hamilton Fish communicated with our Chargé d'Affaires at Madrid, stating in effect that the latter was instructed—

To act in concert with the British Minister, to confer with the Spanish Minister of State and impress upon him the deep interest which the question of religious liberty in Spain excites in the United States and to express the strong hope that the steps lately taken by the Spanish Government with reference to religious freedom and toleration may not be followed by others of a more retrograde character, and that the United States might rely upon the good faith of the Spanish Government to promptly and firmly suppress any attempt from any quarter to infringe upon these rights.

I am bringing attention to these instances, to show the interest which our Government has had in protecting the rights of the citizens and nationals of other countries with which we had diplomatic relations. Our Government has not hesitated to appeal to other governments in behalf of their own citizens, in order that their rights might not be infringed upon.

Our Secretary of State, Mr. Frelinghuysen, in 1882, brought to the attention of the Russian Government the claim of an American Bible society that it was forbidden to sell the Scriptures in Estonia or any part of the Russian empire, and also that it was also prohibited from distributing copies of the Scriptures published in the Armenian and Syriac languages.

In 1885, Austro-Hungary refused to accept the American Minister because he had married a Jewess. There was considerable correspondence between the two Governments growing out of the refusal of the Austro-Hungarian Government to receive our Minister because of his marriage to a Jewess. Our Government refused to recede from its position, and the interests of our Government were left in the hands of a Chargé d'Affaires. Secretary of State Bayard, in communicating with the Austro-Hungarian Government, declared that—

The supreme law of this land expressly declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States," and by the same authority it is declared that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This is a Government of laws, and all authority exercised must find its measure and warrant thereunder.

It is not within the power of the President nor of Congress, nor of any judicial tribunal of the United States, to take, or even hear, testimony, or in any mode to inquire into or decide upon the religious belief of any official, and the proposition to allow this to be done by any foreign government is necessarily and a fortiori inadmissible.

It is not believed by the President that a doctrine and practice so destructive of religious liberty and freedom of conscience, so devoid of catholicity, and so opposed to the spirit of the age in

which we live, can for a moment be accepted by the great family of civilized nations or be allowed to control their diplomatic intercourse.

Certain it is, it will never, in my belief, be accepted by the people of the United States, nor by any administration which represents their sentiments. * * *

The letter of the Secretary of State is an eloquent statement of the creed of those who love liberty and respect the rights of all. It is a condemnation of the narrow and bigoted racial prejudices which find expression in the Nazi creed.

In 1890 the House of Representatives of the United States adopted a resolution requesting the President to communicate to it any information in his possession regarding the enforcement of proscriptive edicts against the Jewish people in Russia. The Russian Government at that time was subjecting the Russian Jews to most bitter persecutions. The relations between the Russian Government and the United States then were most friendly, as they had been since the early days of our Republic. The President responded to the resolution, and accompanied his communication with a report with reference to the rumors that new measures of oppression were about to be enforced, and he added in part that—

Such a step, if in reality contemplated, would not only wound the universal and innate sentiment of humanity but would suggest the difficult problem of affording an immediate asylum to a million or more of exiles without seriously deranging the conditions of labor and of social organization in other communities.

I repeat the words of the President, that the "rumored persecution of the Jewish people would wound the universal and innate sentiment of humanity." The persecution of the Jews by the Nazi government should wound the universal and innate sentiment of all civilized nations.

In 1891 Secretary of State Blaine, in his instructions to the American Minister to Russia, stated that while the Government of the United States does not assume to dictate the internal policy of other nations or to make suggestions as to what their municipal laws should be or as to the manner in which they should be administered—

Nevertheless, the mutual duties of nations require that each should use its power with due regard for the results which its exercise produces on the rest of the world. It is in this respect that the condition of the Jews in Russia is now brought to the attention of the United States, upon whose shores are cast daily evidences of the suffering and destitution wrought by the enforcement of the edicts against this unhappy people. I am persuaded that His Imperial Majesty the Emperor of Russia and his councillors can feel no sympathy with measures which are forced upon other nations by such deplorable consequences.

Our Minister to Russia wrote to Secretary Blaine in April of 1891 and stated in substance that Russian journals have stated that many Jewish families had been notified that they must remove from Moscow and other cities.

The plight of the Jewish people in Russia was referred to in President Harrison's message to Congress in December 1891. He stated that our—

Government has found occasion to express, in a friendly spirit but with much earnestness, to the Government of the Czar its serious concern because of the harsh measures now being enforced against the Hebrews in Russia. By the revival of anti-Semitic laws, long in abeyance, great numbers of those unfortunate people have been constrained to abandon their homes and leave the Empire by reason of the impossibility of finding subsistence within the pale to which it is sought to confine them.

He added that—

It is estimated that over 1,000,000 will be forced from Russia within a few years. The Hebrew is never a beggar; he has always kept the law—life by toll—often under severe and oppressive civil restrictions. It is also true that no race, sect, or class has more fully cared for its own than the Hebrew race. But the sudden transfer of such a multitude, under conditions that tend to strip them of their small accumulations and to depress their energies and courage, is neither good for them nor for us. The banishment, whether by direct decree or by not less certain indirect methods, of so large a number of men and women is not a local question. A decree to leave one country is, in the nature of things, an order to enter another—some other. This consideration, as well as the suggestions of humanity, furnishes ample ground for the remonstrances which we have presented to Russia, while our historic friendship for that Government cannot fail to give the assurance that our representations are those of a sincere well-wisher.

In 1902 the oppression of the Jews in Rumania was brought to the attention of our Government. I have referred to the fact that under the personal supervision of President Theodore Roosevelt, Secretary of State John Hay prepared an extensive note concerning the disabilities of the Jewish people in Rumania, which was despatched to our American Minister in Rumania. An extract from the note reads:

Starting from the arbitrary and convertible premise that the native Jews of Rumania domiciled there for centuries are "aliens not subject to foreign protection," the ability of the Jew to earn even the scanty means of existence that suffice for a frugal race has been constricted by degrees until nearly every opportunity to win a livelihood is denied and until the helpless poverty of the Jew has constrained an exodus of such proportions as to cause general concern.

The note then discusses the political disabilities imposed upon the Jews, including their exclusion from the public service and the learned professions, limitations upon their civil rights, and the imposition of exceptional taxes, involving as they do wrongs repugnant to the moral sense of liberal modern peoples, which should be condemned, as should also the attacks upon the inherent right of a man as a breadwinner in the ways of agriculture and trade. After referring to further injustices and discriminations, the note proceeds:

Human beings so circumstanced have virtually no alternatives but submissive suffering or flight to some land less unfavorable to them. Removal under such conditions is not and cannot be healthy, intelligent emigration of a free and self-reliant being. It must be, in most cases, the mere transplantation of an artificially produced disease growth to a new place. * * *

The United States offers asylum to the oppressed of all lands. But its sympathy with them in nowise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country and to judge accordingly.

May I say that our sympathy for the persecuted Jews in Germany and Austria does not impair our right to weigh the acts of their oppressors.

The note further proceeds:

* * * the right of remonstrance against the acts of the Rumanian Government is clearly established in favor of this Government. Whether consciously and of purpose or not, these helpless people, burdened and spurned by their native land, are forced by the sovereign power of Rumania upon the charity of the United States. This Government cannot be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the treaty of Berlin, to which it was not and cannot become a signatory, but it does earnestly appeal to the principles consigned therein, because they are principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its co-signatories, for the act of Rumania itself has effectively joined the United States to them as an interested party in this regard.

Instructions of the same character were transmitted by the Department of State to the representatives of the United States to Great Britain, Germany, France, Italy, Russia, and Turkey for submission to the Ministers of Foreign Affairs of those countries.

In 1903 there was an anti-Semitic outbreak in Kishineff, Russia, which resulted in the death of 47 Jews and injuries to several hundreds of the Jewish race. Seven hundred houses were destroyed, more than 600 stores looted, and many families ruined.

At a mass meeting held in Carnegie Hall, New York, to protest against the Jewish pogrom, one of the speakers was ex-President Grover Cleveland. Mayor Seth Low was also a speaker, as was the president of Cornell University, Hon. Jacob Schurman. A resolution was adopted to the effect that the people of the United States should exercise such influence with the Government of Russia to stay the spirit of persecution and redress the injuries inflicted upon the Jews, and to prevent the recurrence of outbreaks "such as have amazed the civilized world."

President Theodore Roosevelt directed the Secretary of State to instruct the American representative at St. Peters-

burg to ask for an audience with the Minister of Foreign Affairs and to communicate to him a petition addressed to the Russian Emperor relating to the condition of the Jews in Russia. The Czar declined to receive the communication, and in 1911 the Treaty of Commerce and Navigation concluded between the two Governments in 1832 was terminated, owing in a large measure to the discrimination against Jewish holders of American passports, and the persecution of Russian Jews.

The House passed a resolution in 1911 declaring the treaty between the two Governments to be terminated and of no further force and effect from the expiration of 1 year after the date of notification to the Russian Government. The resolution, among other things, stated:

That the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg, December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; * * * that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

President Taft notified the Senate that the Russian Government had been given official notification of the intention of the Government of the United States to terminate the operation of the Treaty of Commerce and Navigation of December 18, 1832, and so forth.

I invite attention to a question that directly bears upon the matter under consideration. Article 63 of the treaty of peace between the Allied and Associated Powers and Austria, signed at St. Germain-en-Laye, September 10, 1919, contains the following stipulations:

Austria undertakes to insure full and complete protection of life and liberty to all inhabitants of Austria without distinction of birth, nationality, race, or religion.

All inhabitants of Austria shall be entitled to the free exercise, whether public or private, of any creed, religion, or belief, whose practices are not inconsistent with public order or public morals.

This treaty was signed by representatives of our Government but was not ratified by the Senate. However, another treaty "establishing friendly relations" was signed at Vienna on August 24, 1921, by the representatives of the United States and of the Republic of Austria. This treaty was duly ratified by both powers and proclaimed November 17, 1921. Article 1 of the treaty provides that—

Austria undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations, or advantages specified * * * including all rights and advantages stipulated for the benefit of the United States in the Treaty of St. Germain-en-Laye, which the United States shall fully enjoy notwithstanding the fact that such treaty has not been ratified by the United States. The United States, in availing itself of the rights and advantages stipulated in the provisions of that treaty, will do so in a manner consistent with the rights accorded to Austria under such provisions.

It would seem that the terms of the treaty between Austria and the United States signed September 10, 1919, though not ratified by the Senate, were imported into and became a part of the treaty between the two Governments signed at Vienna August 24, 1921. At any rate, the undertakings by Austria to insure full and complete protection to life and liberty and the exercise of religion, and so forth, were and are a part of the treaty between Austria and the United States and were binding upon Austria.

There is no contention that Austria ignored the treaty or interfered in any way with the freedom or liberty of her nationals, including Jews. It will be contended, doubtless, by the Nazi government that, Austria having been conquered by force and made a part of the Nazi government, the treaties between Austria and other governments are terminated. I am advised that the Nazi government has repudiated the debts of Austria, and as I have indicated, doubtless will contend that the liberties guaranteed in the Austrian constitution no longer are in force, and that the residents of Austria

are subject to the unrestrained power of the ruler of the Nazi government.

It is worthy of note that the German delegation at the Versailles conference in their comments on the conditions of peace which were presented to them at the conclusion of the World War by the Allied and Associated Powers, including the United States of America, submitted the following statement:

Germany advocates in principle the protection of national minorities. This protection may be settled to the best purpose within the scope of the League of Nations. Germany on her part, however, must demand such assurances as are already fixed by the peace treaty for those German minorities which, by cession, will pass over into alien sovereignty. Such minorities must be afforded the possibility of cultivating their German characteristics, especially through permission to maintain and attend German schools and churches, and to publish German papers. A still more extensive cultural autonomy based on national registration (Kataster) would be desirable. Germany on her part is resolved to treat minorities of alien origin in her territories according to the same principles.

If this declaration by Germany's representatives has any binding force upon the Nazi government, it would seem that the minorities, including the Jews in Germany, are entitled to the benefits received by all other German citizens.

A treaty between the United States and Germany was entered into on December 8, 1923, and proclaimed October 14, 1925. It provides that the—

Nationals of each of the High Contracting Parties shall be permitted to enter, travel, and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing, and commercial work of every kind without interference, * * * and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

Under this treaty all American nationals, including Jews, are entitled to enter Germany and to enjoy the benefits of the terms of the treaty just referred to. I am advised that the Nazi government is interposing obstacles to American citizens of Jewish ancestry who seek to take advantage of the terms of this treaty.

During this discussion I have referred to the fact that Christians, as well as Jews, have been and are the victims of persecution at the hands of the Nazi government. When the Nazi movement first appeared it was not believed by some that it would attack religion or seek to undermine religion, or to interfere with the freedom of conscience and religion. The first persecutions were directed against the Jews, but it soon became manifest that a Frankenstein of paganism was being created, which would threaten to destroy all religion. An attack, especially by a state, upon one religion, is fundamentally an attack upon all religions, indeed, upon all freedom of conscience. Possibly the economic distress of the time prevented Christians, particularly those in the United States, from appreciating the nature and implications of the attacks upon the Jews. It was regarded by some as another of the historical outbreaks of anti-Semitism, which would run its course and abate. The burning question of German refugees, consisting as it did of perhaps 80 percent Jews, while condemned by all good Christians, was regarded as substantially a Jewish problem, and the refugees themselves were considered as a whole merely Jewish refugees.

Contemporaneously with the religious oppression, economic spoliation and expulsion of Jews, the Nazis developed the pseudo-ethnological theory of Aryanism which greatly widened the human area of Judaism. While there were perhaps not more than 500,000 full-blooded Jews in Germany in 1933, there were perhaps three times that many citizens who either had, derivatively, some Jewish blood, or had intermarried with Aryans. A large majority of both these groups had become Christians and gradually, looking back, one might almost say inevitably, these groups also

came under the throttling ban on non-Aryanism. Thus, while the Christians were not alert to the situation, their enemies sowed tares in their wheat, and we are now faced with a common problem of great magnitude.

For Protestants, Catholics, and Jews alike are undergoing a frontal attack on the essence of Christian religion, and also the basis of Jewish religion. Indeed, religion, which for our purpose we may call Christianity, and Judaism, is perilously near the crossroads and, potentially at least, at death's grip with paganism.

There are many of the Christian faith, who because of atheistic attacks and the growth of crass materialism, fear that the Christian faith is faced by powerful foes. The view is entertained by some that we are facing a contest between spiritual and moral forces and the vital principles of Christianity and paganism in its worst form, which rides side by side with the deadly influence of secular nationalism.

Dr. Compton has stated:

Civilization as we know it in America has been built up by the inspiration and energy of religious-minded people. Therefore, the crying, the indispensable, need of the hour is unity of outlook, coupled with unity of action.

May I call attention to the fact that there has been formed a national conference of Jews and Christians—Catholic and Protestant. Until his untimely death, Hon. Newton D. Baker was the president of this organization. It has sought to protect Christians and Jews alike from the paganistic philosophy of nazi-ism. It has challenged attention to the persecuted Christians as well as the oppressed Jews. It is not too much to say that the hope of a redeemed Germany lies with those millions of courageous, relentlessly persecuted Christians, who alone can stem the tide of ruthless paganism. These Christians, who are again aroused, richly deserve our outspoken moral and, if they will accept, our material support in every possible way. They have been terrorized by prisons, concentration camps, criminal prosecutions, by demagogues, swashbucklers, and a dictator. More than 500 brave and half-martyred pastors are still in prison camps.

I wonder what has been done by Christians here and elsewhere to encourage them and to give them aid. I have referred to the National Conference of Jews and Christians. It can be a vitally effective institution, and religious organizations can cooperate as one, and through them can afford relief and protection to the victims of nazi-ism.

The League of Nations took cognizance of conditions in Germany, and on October 26, 1933, appointed James G. McDonald, an American citizen of high standing, to—

Negotiate and direct an international collaboration necessary to solve the economic, financial, and social problem of the Jewish and other refugees.

The persecutions to which many citizens of Germany were subjected inspired the League of Nations to devise some plan to meet the situation. It was apparent that the German Government was determined to continue its persecutions, not only of Jews, but of the—

Non-Aryan Christians—Jews, Protestants, and Catholics—who in obedience to their faith and conscience dared to resist the absolute will of the national socialistic state.

As stated, it was apparent that the persecution would continue until all so-called non-Aryans were despoiled of their possessions and driven from Germany. It is interesting to recall that the Nazi government refers to provisions in various treaties dealing with minorities, and insists that in those countries in which there are German minorities, they shall enjoy not only protection but privileges, some of which are greater than those enjoyed by majorities. But the Nazi government refuses to accept the provisions of treaties which require the protection of minority groups in Germany.

The report of Mr. McDonald, as to conditions in Germany and the treatment accorded the non-Aryans, clearly demonstrates the objective sought by the Nazi government with respect to the non-Aryans.

Mr. McDonald for 2 years continued his investigations, and in his letter of resignation, submitted on the 27th of December 1935, he reveals the persecutions inflicted upon the Jews and Christians by the Nazi government, and indicates a situation which should arouse the protests of civilized nations against the injustices inflicted by the Nazi government upon citizens of Germany. Some of the statements in his letter are as follows:

The intensified persecution in Germany threatens the pauperization or exile of hundreds of thousands of Germans—men, women, and children—not only Jews but also the "non-Aryan" Christians treated as Jews, and Protestants and Catholics who, in obedience to their faith and conscience, dare to resist the absolute will of the National Socialist State.

3. Apart from all questions of principle and religious persecution, one portentous fact confronts the community of states. More than half a million persons, against whom no charge can be made except that they are not what the National Socialists choose to regard as "Nordic," are being crushed. They cannot escape oppression by any act of their own free will, for what has been called "the membership of non-Aryan race" cannot be changed or kept in abeyance.

Tens of thousands are today anxiously seeking ways to flee abroad, but except for those prepared to sacrifice the whole or greater part of their savings the official restrictions on export of capital effectively bar the road to escape, and the doors of most countries are closed against impoverished fugitives. Nevertheless, if the present pressure is not relieved it is inconceivable that those who can flee will remain within Germany.

I may say, in passing, that under the policy of the present German regime they will be forced out of Germany.

The task of saving these victims calls for renewed efforts of the philanthropic bodies. The private organizations, Jewish and Christian, may be expected to do their part if the governments, acting through the League, make possible a solution. But in the new circumstances it will not be enough to continue the activities on behalf of those who flee from the Reich. Efforts must be made to remove or mitigate the causes which create German refugees. This could not have been any part of the work of the high commissioner's office; nor, presumably, can it be a function of the body to which the League may decide to entrust future administrative activities on behalf of the refugees. It is a political function, which properly belongs to the League itself.

5. Progress has been made during the last 3 years in settling the refugees from Germany. Of the more than 80,000 who have already left the Reich, approximately three-fourths have now found new homes, more than half of these in Palestine.

This accomplishment has been primarily the work of the refugees themselves and of the philanthropic organizations—Jewish and Christian—whose devoted labors have been ceaselessly carried on in many parts of the world. Probably not more than 15,000 refugees now remain unplaced.

The facts which arouse these apprehensions are indisputable. They are evidenced clearly in the German laws, decrees, judicial decisions, and party pronouncements and practices during the last 2 years. The culmination of these attacks on the Jews, the Christian "non-Aryans," and the political and religious dissenters was the new legislation announced at the party congress at Nuremberg last September. The core of that enactment was the law limiting citizenship to those who are "of German or cognate blood" and who also conform to the National Socialist conception of loyalty to the state. As the direct result in Germany not only the Jews, who now number about 435,000, but also tens of thousands of Christian "non-Aryans," who are classified as Jews, lost their citizenship, were disfranchised, and made ineligible to hold public office. Indirectly through this new law a constitutional basis was laid for unrestricted discriminations against all those whom the party may wish to penalize.

The denationalization by the German Government of thousands of German citizens has added to the hardships both of those remaining in Germany and of the refugees, and it is an increasing burden on states which have admitted the refugees while in possession of German nationality.

7. Relentlessly the Jews and "non-Aryans" are excluded from all public offices, from the exercise of the liberal professions, and from any part of the cultural and intellectual life of Germany. Ostracized from social relations with "Aryans," they are subjected to every kind of humiliation. Neither sex nor age exempts them from discrimination. Even the Jewish and "non-Aryan" children do not escape cruel forms of segregation and persecution. In party publications, directly sponsored by the Government, "Aryan" children are stirred to hate the Jews and the Christian "non-Aryans," to spy upon them, and to attack them, and to incite their own parents to extirpate the Jews altogether.

8. It is being made increasingly difficult for Jews and "non-Aryans" in Germany to sustain life. Condemned to segregation within the four corners of the legal and social Ghetto which has now closed upon them, they are increasingly prevented from

earning their living. Indeed, more than half of the Jews remaining in Germany have already been deprived of their livelihood. In many parts of the country there is a systematic attempt at starvation of the Jewish population. In no field of economic activity is there any security whatsoever. For some time it has been impossible for Jewish businessmen and shopkeepers to carry on their trades in small towns. The campaign against any dealings with Jews is now systematically prosecuted in the larger towns. Despite the restrictions upon migration from the Provinces into the few largest cities where Jewish economic activity is not yet completely excluded, the Jews are fleeing to those cities, because there only can they hope to escape, at least for a time, from the more brutal forms of persecution.

This influx has exhausted already the resources of the Jewish philanthropic and educational institutions in Germany. The victims of the terrorism are being driven to the point where, in utter anguish and despair, they may burst the frontiers in fresh waves of refugees.

9. Again, as so often during their long, heroic, and tragic history, the Jewish people are used as the scapegoat for political and partisan purposes. The National Socialists level against them charges of the most outrageous and untenable kind. They ignore all of the facts of the continuous loyalty of the Jews in Germany; for example, during the Empire when Jews helped to unify Germany and to make it strong; during the war when a percentage of Jewish youths as high as that of any other religious community in the Reich gave their lives for the fatherland, and Jewish scientists and men of affairs helped so notably to enable Germany to prolong the struggle; and under the Republic when Jewish leaders aided in saving Germany from some of the worst effects of defeat. Instead, it has been found useful to attribute to the Jews the responsibility for the misery and dejection which the German people suffered during the last years of the war and the decade that followed. Though less than a one-hundredth part of the total population, the Jews are held responsible for all the adversity which the German people had to undergo. As in the Middle Ages, when they were massacred and expelled from the German states as the cause of the Black Death, so today they are eliminated from the economic and cultural life of Germany and degraded on the ground that they were the cause of the German humiliation. So far does this hatred extend that even the Jewish war veterans who fought and were wounded in the front-line trenches have been forced from their positions in the public services, and the names of the Jewish war dead may no longer be engraved on war memorials.

10. The attitude of the German Government is based not only on the theory of "Nordic race" supremacy and the desire to eliminate "foreign racial" elements in the life of the country; it rests also on the conception of the absolute subordination of the individual to the state. An influential section of the party is actually promoting a revival of neopaganism which sets itself against both the Old Testament and parts of the New Testament. The conceptions of "blood, race, and soil," propagated with fanatical enthusiasm, menace not alone the Jews but all those who remain defiantly loyal to the old ideals of religious and individual freedom.

Party leaders violently attack religious freedom in the state and threaten the church with political domination. Outstanding thinkers of the two great Christian communities in Germany and abroad raise their voices and protest against this attack which threatens to increase the number of refugees.

The growing sufferings of the persecuted minority in Germany and the menace of the growing exodus call for friendly but firm intercession with the German Government, by all pacific means, on the part of the League of Nations, of its member states, and other members of the community of nations.

Pity and reason alike must inspire the hope that intercession will meet with response. Without such response, the problems caused by the persecution of the Jews and the "non-Aryans" will not be solved by philanthropic action, but will continue to constitute a danger to international peace and a source of injury to the legitimate interests of other states.

17. I feel bound to conclude this letter on a personal note. Prior to my appointment as high commissioner for refugees coming from Germany, and in particular during the 14 years following the war, I gave in my former office frequent and tangible proof of my concern that justice be done to the German people, but, convinced as I am that desperate suffering in the countries adjacent to Germany, and an even more terrible human calamity within the German frontiers, are inevitable unless tendencies in the Reich are checked or reversed, I cannot remain silent. I am convinced that it is the duty of the high commissioner for German refugees, in tendering his resignation, to express an opinion on the essential elements of the task with which the Council of the League entrusted him. When domestic policies threaten the demoralization and exile of hundreds of thousands of human beings, considerations of diplomatic correctness must yield to those of common humanity. I should be recreant if I did not call attention to the actual situation and plead that world opinion, acting through the League and its member states and other countries, move to avert the existing and impending tragedies.

I invite attention to the statement that the intensified persecution in Germany threatens the pauperization or exile

of hundreds and thousands of Germans—not only Jews, but also the "non-Aryan" Christians, treated as Jews, and Protestants and Catholics, who in obedience to their faith and conscience, dare to resist the absolute will of the national socialistic state. The further statement is made that more than half a million persons, against whom no charge can be made except that they are not Nordic, are being crushed.

The conditions revealed by Mr. McDonald are appalling and must excite profound sympathy among civilized peoples, and indignation, amounting to resentment, against a government that revives the worst forms of medievalism and manifests some of the characteristics of ancient Huns and barbarians. It seems incredible that the wrongs, cruelties, and atrocities referred to by Mr. McDonald could take place in a nation that has occupied so important a place in the family of nations during the past century; but the Nazi government, since the date of Mr. McDonald's resignation, has become, if possible, more sadistic and oppressive.

A report of the Committee for Catholic Refugees from Germany, under date of March 31, 1938, bears evidence of the cruel and criminal policies being pursued by the Nazi government. In part, the report is as follows:

In Germany, while less information is obtainable than heretofore, all evidence points to the fact that severely the iron hand of persecution is brought heavily upon those who through the possession of Jewish blood or loyalty to their religious conviction are declared enemies of the country. A large number of Catholic schools have been closed, and the Catholic teachers in public schools supplanted by non-Catholics. Gradually, surreptitiously, but surely, schools conducted by religions, one after the other, are being closed, and employment for the good sisters rendered impossible. Reference is being made especially to the Catholic schools in Bavaria and the Rhineland, which recently had been ordered closed. Two religious orders, e. g., the *Englische Fraulein* and the *Ursulines*, have already appealed to us, and all too soon many appeals of this nature will be forthcoming, all, of course, with a view to establishment in America or elsewhere.

Priests, too, in uncountable numbers, we have reason to believe, have been placed in concentration camps or are otherwise severely persecuted. We may mention here as an example, Reverend Groesser, who, while now temporarily released from imprisonment, has only to await the judgment of the Gestapo.

To this has to be added the horrifying situation recently created in Austria. Here, too, information is only with difficulty obtainable due to strictest censorship and guarding of the border line. How many of those now detained or imprisoned will have opportunity to beg our help must necessarily remain questionable. But reports of so many having already crossed the border, only evidence that the future appeals will be most numerous.

No valid reason has ever been offered in justification of the Nazi government's oppression of the Jews. As I have indicated, the number of Jews of pure blood in Germany never exceeded 600,000. They discharged the duties and responsibilities resting upon them, as citizens, with fidelity to the Government and with honor to themselves. The last pre-war census in Germany established the fact that there were but 550,000 native Jews in Germany in a total population of 68,000,000. The Jews discharged their military duties in the World War; 96,000 of them were enrolled in the army—17.3 percent of the German-Jewish population, or every sixth German Jew. The German Jews in the army were in the front-line trenches. It should also be remembered that Austro-Hungary was a belligerent and an ally of Germany, and there were many thousands of Austro-Hungarian Jews who were fighting in the ranks of the Austro-Hungarian Army.

My information is that 35,000 Jews were decorated for bravery. There were more than 165 Jewish aviators who took part at the front, 30 of whom were killed in action. Gen. Berthold von Daimling stated that, "As commanding general I have seen many Jews in the trenches and I have made the observation that the Jewish soldiers and officers have done their duty to the same extent as their Christian comrades." Defense Minister Otto Gessler stated, "I have the highest respect for the many, many Jewish war dead."

With the defeat of the Central Powers, some Germans attempted to find an excuse for such defeat, and they began a vicious propaganda to arouse prejudice against the Jews, hoping thereby to excuse, perhaps, their own mistakes. If time permitted, an analysis of the slanderous statements and

the vicious propaganda would reveal the utter falsity of the same and cover with infamy those who tried to falsify history and to create prejudices against patriotic and faithful German citizens.

Prof. Hugo Valentin, of the University of Sweden, has submitted a study of anti-Semitism, historically and critically examined, in which there is a complete refutation of some of the foul and slanderous charges leveled by the Nazi regime against the Jews. He refers to the anti-Semitic statements as to the official posts occupied by the Jews, and states that in the 20 cabinets that held office from the inauguration of the Republic until January 30, 1933, there were but two Jewish Ministers, Preuss and Rathenau, and four of Jewish descent. That is to say, out of about 250 Ministers, all except 6 were pure Aryans. Professor Valentin continues:

* * * Out of about 500 higher officials in the Ministries of the Reich, including secretaries of state and members of Government boards, there were before Hitler's victory at most 15 Jews or men of Jewish birth. The number of Jewish secretaries of state in the administration between 1918 and 1933 was just two. Out of about 300 higher officials in the Prussian ministries some 10 were Jews or of Jewish birth. In the other states of the Reich their number was still smaller. Out of Prussia's 12 Oberpraesidenten, 35 Regierungspraesidenten, and over 400 Landrate, until the reform of the administration in 1932 there was not a single Jew. * * * Of the 10 members of the general board of the reichsbank, it is true that 2 were Jews (Max Warburg and Oscar Wassermann) and one man of Jewish descent (Franz von Mendelssohn), but no Jew sat on its board of management, nor on that of the Prussian State Bank.

Of all Government officials in Germany (in 1925), 0.16 percent were Jews; of the higher officials, 0.29 percent; of the intermediate and lower officials, 0.17 percent. In the administration and the judicial system they were relatively numerous, 1.67 percent and 0.34 percent, respectively. But, according to the German Ambassador to the United States, Dr. Luther (in the New York Times, May 25, 1933), nearly 50 percent of the governmental officeholders were Jews, and, according to a statement of Hitler's (in an interview in the New York Staats Zeitung, June 8, 1933), they amounted to 62 percent.

I have referred to Professor Valentin's statement in answering the charge made by Nazis that the Jews controlled the political offices of importance, and were responsible for Germany's condition following the war, prior to Hitler's control.

It should not be forgotten, however, that notwithstanding the many disadvantages to which the Jews were subjected, their genius and intellectual power gave to them fame in their own land and throughout the world. Professor Valentin refers to the fact that of Germany's 44 Nobel prizemen up to 1933, 7 were Jews, namely, the medical research workers Ehrlich and Meyerhof, and the scientists Wallach, Willstätter, Haber, Einstein, and Franck, to whom may be added the half Jews von Bayer, Heyse, Hertz, and Warburg. Three Jewish Nobel prizemen from Austria, Barany, Landsteiner, and Fried, belonged to the German sphere of culture.

I take the liberty of quoting a paragraph from Professor Valentin's work:

It has already been pointed out that these Jewish men and women regarded Jewish qualities, apart from exceptional cases, as factors of minor, or often of no importance. And outside Germany they were everywhere looked upon as Germans. In most cases the world was unaware of their Jewish birth until in 1933 they were dismissed wholesale, boycotted, and driven into exile. Before that they had simply been celebrated "German" scientists, authors, musicians, actors, industrialists, and businessmen. Many of them by their achievements had shed honor and glory on the German name. It was not only in the Olympic Games that German Jews battled for the German colors. They did the same in science, literature, technology, industry, and commerce (especially when it was a question of capturing new markets for German goods), music, and the art of the cinema.

One of the fantastic theories of the Nazis rests upon the claim that the Germans belong to a superior race; that they are of the genuine Aryan race. Professor Radcliffe-Brown, of the University of Chicago, makes the following statement concerning the subject of Aryans:

The Arya were the earliest invaders of India; they spoke an Indo-European language which later became Sanskrit, and which gave rise to certain modern Indian languages like Gengali. The people in Persia developed the Persian language, also of the Indo-European family. We do not know what the Arya were like racially; we just know something about their language. Further-

more, Indo-European languages are spoken in Europe by Nordics and Alpines and Mediterraneans. Therefore, who are the Aryans? All of them are. Anyone who speaks an Aryan language is an Aryan. Who are the Semites? Again, the people who speak Semitic languages. Who are the Hittites? They did not speak a Semitic language, they spoke an Aryan language. It seems fairly certain from an anthropological point of view that the Hebrews as they were in Palestine, contained large infiltrations of Hittite, as distinguished from Arab blood. If the Hittites spoke an Aryan language, they were Aryans, and if the Jews contain an infiltration of Hittite blood, they are Aryans.

No one denies the many fine qualities of the German race; their achievements in many fields have won for them world-wide acclaim. But their ambition for power, coupled with a disregard of the rights of others, affected their moral standing, and lessened the respect and regard in which they were held by many peoples of the world. The assaults upon religion and the efforts to establish neopaganism by the Nazis have aroused concern among those who wish for the German people happiness, peace, and prosperity.

Returning to the subject of the Aryan race: Professor Breasted declares that there is no such thing in the world as Aryan stock. "The terms 'Indo-European' and 'Aryan' were used by scientists and anthropologists to refer not to a race stock but to language origin."

Prof. Pitrin Sorokin in his *Contemporary Social Origins* refers to the "Aryan race theory as an unsubstantiated guess." Dr. W. Norman Brown, professor of Sanskrit, University of Pennsylvania, states:

There still exists popular vestiges of a belief that the original Europeans were Nordic, a physical type which is long-headed, fairhaired, and blue-eyed. That belief is regarded by anthropologists and philologists alike as a myth.

Mr. Calvin Hoover, in his recent work, says that—

The amusing side of this Nordic race theory is that it should be accepted with enthusiasm by the Bavarians who are Alpine rather than Nordic, by the Saxons who have a heavy percentage of Slavic blood, and by the Prussians with their strong infusion of Slavic or Baltic blood.

Dr. Cyrus Adler, in a recent address, stated:

The Germans are not Aryans. To a very great extent they are not even Teutons. The Prussians are in large proportion Slavs.

And Dr. W. Norman Brown, to whom I have referred, has stated that the word "Aryan" is sometimes used synonymously with Indo-European and designates—

A group of many peoples, united by a common culture, in which the outstanding feature is the relationship of language.

Dr. Adler further states that—

Many university professors in Germany have allowed themselves to be harnessed to this vehicle of falsehood, myth, and lying propaganda.

That Nazi paganism is an attempt to undermine Christianity is recognized by many. In a recent editorial by Prof. Raymond Moley the following appears:

The persecution of the Catholic Church by Hitler has been so ruthless that the present Reichstag contains only three members who belonged to the former Catholic Centre Party. Catholics have been driven from practically all the public positions in the ministries, the judiciary, and the various administrative offices. One thousand Catholic burgomasters in Westphalia have been put out of office. Catholic public servants and university professors who participated in the German peace movement have been punished.

Time does not permit an examination of the various steps taken to destroy the Catholic religion, to punish Catholic priests and Protestant ministers, and to destroy the influence and moral force of the Christian churches. Nazi-ism seems to be the protagonist of a medieval cult, incongruous in this day of Christian civilization.

The problem that political and religious refugees forced upon Germany is not new. It was brought forcibly to our attention 5 years ago and has become more serious with the ruthless nazification of Austria. In a country which was formerly regarded as a country of culture, tolerance, and civilization, there is now being pursued a program of oppression of a people without parallel in history. Not only are non-Aryans subjected to persecution and spoliation but noble men and women who loved their country and desired

that it should be permitted to maintain its freedom and have a place in the family of nations are proscribed. Savage attacks are made upon people of standing, culture, and refinement, and every effort is made to humiliate and degrade citizens who have aided in maintaining the Austrian Government and in protecting the liberties of the Austrian people.

It is pertinent to inquire as to the number of Jews who were citizens of Austria at the beginning of this year. They numbered 167,000, a decrease of 18 percent from that of 220,208, which constituted the Jewish population of Austria 15 years ago. Economic and other conditions resulted in a reduction in the population of Austria, not only Jews but persons of other races. Austria's total population is approximately 6,000,000.

It is worthy of note that nazi-ism has become characteristically communistic. As it works today there is a complete disregard of the rights of persons and of property, and an overwhelming joy in humiliating people of higher standing and education than their persecutors. The proceedings are reminiscent of conditions which existed in Russia following the rise of communism. I am advised that many of the German people are not behind the campaign of cruelty and savagery which is being waged in Austria and Germany today and that saner and more conservative elements have taken heart and in some instances are expressing displeasure.

It is of grave concern to those who love liberty that human beings of all political faiths and of all religions are being degraded and cruelly punished under the guise of rejected racial theories and antidemocratic political concepts, but it has some bearing on the refugee proposal to which I have referred. It is hoped that among the 30 nations which have accepted the invitation extended by our Government there will be refugees admitted within the restrictions of present existing quotas. As I understand, the expenses of this emigration are to be borne not by the Government but by private organizations. My information is that the requirements which immigrants must satisfy in order to enter the United States will be continued and those seeking admittance will be required to meet the provisions of our immigration laws. The proposal to deal with the refugee problem has been warmly received by the press of the United States, and, as I am advised, has met with approval in various countries. English opinion is expressed in the following extract from the London Times of March 23, 1936:

English life was enriched by the contributions of foreign immigrants, many of whom at different periods sought refuge here in circumstances very similar to those of today. Until the war, it was the deliberate policy of every successive British Government to turn away no one who sought to escape persecution or punishment on religious or political grounds. This right of asylum was granted to many whose activities commanded but little sympathy, and was stoutly maintained in face of the resentment of foreign governments who disliked seeing a way of escape kept open for their victims. Limits have since of necessity been set to this hospitality; but the tradition, a high and honorable tradition, remains, and most Englishmen would feel that something very valuable had been sacrificed if it were abandoned.

My information is that the Nazi government is not permitting departures from Germany or Austria of persons who may be capable of fomenting agitation against the Nazi regime. It would seem, therefore, that the refugee-aid proposal may be but a gesture doomed to failure because of the attitude of the Nazi government.

I am advised that the ruler of Germany has interpreted the proposal to aid refugees as a criticism of his course. Be that as it may, failure to express our opinion as to the cruelties imposed upon German and Austrian nationals is to condone forces that would avowedly destroy democracy the world over. It would be regarded by some as a confession that oppression may proceed apace wherever instituted, and it can result ultimately in repression of civil liberties and the overthrow of democracy in various countries.

A pertinent editorial comment on nazi-ism is found in the Kingston Record of April 14, 1933, entitled "Putting Democracy to Work:"

In these times where fire-eating and swashbuckling dictators seem to be having their day, the still small voice of the democracies is not expected to be heard. Our country has therefore rendered a great service to the cause of democracy the world over by making that small voice articulate, thereby giving expression to one of its tenets which distinguishes it from the dictatorships of the world.

It is only fitting and proper that our country should have taken the lead in this move. The United States is the classical land of political liberty. Conceived in rebellion against political oppression our whole history has borne out this political trait which is the most distinguishing characteristic of a democracy. Those to whom political asylum was afforded in this country have amply repaid their hosts. They came from all countries and were adherents of all religions. * * * The forty-eighters of the last century, among whom Carl Schurz was only one of the leading lights, proved of inestimable benefit in the development of our democracy, and the ranks of the Union Army were filled with Jews and Christians who but recently arrived at these shores because of the political upheavals all over Europe in the middle of the last century.

If it be true that the ruler of Germany has no intention of permitting those who may cause him embarrassment to emigrate, then an answer is presented to some of his misleading arguments that have been advanced against the proposal. It has been said by some who have no appreciation of the situation in Europe that America will be flooded with Communists from Austria and Germany. This assumes that all those who are now being repressed are Communists, that Hitler has allowed Communists to exist until now, and that all refugees will come to the United States. These assumptions are without foundation.

With reference to the first assumption, that the United States will be flooded with refugees, under the combined quotas now obtaining for emigration from Austria and Germany a total of not more than 27,370 persons may enter the United States in any one year. Under the proposed plan the immigration quota will not be changed. During the past few years the quotas from Austria and Germany have been utilized only to the extent of about 40 percent. If the German ruler will allow refugees to leave Germany to the full extent of the quota, there would be admitted only an additional 13,500 persons per year; but if the proposal to aid the refugees succeeds, all refugees will not come to the United States. If that were true, the calling of a conference of 30 nations would have been without any reason. As I understand the design of the conference is to have all nations share the responsibility in the emigration work and admit the refugees to their own lands within the limits of their own quotas, and in that event each nation will absorb a part of the refugees. It is not intended that any one nation will admit all.

The statement that Communists will be admitted is without support. In the last election before the Hitler Government came into power there were approximately 6,000,000 votes for the Communist ticket. There were at that time not more than 600,000 Jews, and of that number only 275,000 had the right to vote. Only a limited number of Jews were Communists. The figures supplied by the Nazi Government, issued in 1933, declared that there was only 1 Jew among the 70 Communist deputies in the Reichstag in 1930, and not a single Jew among the 81 Communist deputies in the Reichstag of 1933. In Austria, which is an overwhelmingly Catholic country, there never was a Communist question. A sufficient answer is that those who were Communists are not at liberty today in Germany; they are confined in concentration camps.

Austria was a republic whose population, as I have indicated, was predominately Catholic, and whose national characteristic was predominantly German. As a result of the World War Austria was greatly reduced in size and its economic life materially impaired. However, its economic condition was not as serious as that in Germany during the twenties.

In 1930 there was an attempt at economic Anschluss with Germany which met with opposition from France and Britain. With the advent of Hitler to power in Germany, the Austrians were reminded that they were basically German in nationality, and the Nazi machine carried on a persistent

propaganda to undermine the Austrian Government and to bring about Germany's control of the Austrian Republic. An abortive effort was made in 1934 to overthrow the Austrian Government, and Dollfuss was slain by the Nazis. However, the machinations of the Nazis continued with the avowed purpose of destroying the Schuschnigg Government. However, in 1936 Germany recognized by treaty the political independence of Austria, but the Nazi block in Germany continued its efforts to strengthen the Nazi movement in Austria, which ultimately resulted in the overthrow of the Austrian Government and the annexation of Austria by Germany.

Both Dollfuss and Schuschnigg were Catholics, and their supporters were Catholics and Jews—not Communists—and the refugees from Austria are Jews and Catholics, together, of course, with some Protestants. There are many residents of Austria who desire to migrate because of the indignities and cruelties to which they are subjected. The *Houston Post*, commenting editorially on March 26, 1938, states:

Jews are not the only victims of German political persecution. In *Houston* recently a campaign was organized to aid a large number of non-Aryan Christians who are being driven from Germany. In Austria the vilest indignities are being visited upon Germans who fought with Chancellor Schuschnigg to maintain the independence of their country. Their only offense was to fight for freedom and to oppose Hitler.

The *Chicago News*, in an issue December 16 last, contained an article describing the formation of a committee to aid Christian German refugees. Dr. Robert M. Hutchins, president of the University of Chicago, presided as chairman. Dr. Edgar De Witt Jones, of Detroit, president of the Federal Council of Churches of Christ in America, was the principal speaker. His address, in part, is as follows:

This American campaign is to aid German Christians who have been driven from public life and from their privileges as citizens.

Said Dr. Jones—

Many of them are in dire want. Nazi laws oppress 1,300,000 persons in Germany of the Christian faith, of whom 300,000 are full-blooded Jews by birth and 750,000 are three-fourths Jewish and one-fourth Gentile. All of these are under bans similar to those imposed on Jews who belong to the synagogue.

Then there are Gentile Christians who have married non-Aryans, or Jews, who are being forced into exile or destitution if they remain in Germany. In Czechoslovakia half of the refugees from Germany are non-Jews, and in Austria 35 percent. The refugee problem is Christian as well as Jewish.

Since July Gentile men married to Jews must divorce their wives or lose their jobs and Nazi membership. Their children in many cases are turned adrift and become objects of hatred and ridicule as well as starvation.

All the world knows there are thousands of Jews suffering terrible persecution in Germany. But they are not aware that the same is true of Christians.

When these Christian mothers are in need and appeal to the authorities for relief, they are told they cannot have governmental aid but must go to Jewish agencies, which already have a crushing load to carry. In spite of that, Jews have given freely to Christian refugees without thought of proselytizing.

We should help now. These Christians, both Aryan and Jewish, are desperate exiles, driven out to find new homes, new occupations, new environments, in order to build themselves afresh in the world of living men.

Aside from the fact that Austria, and Vienna in particular, has always been regarded as the center of German culture, we can get an idea of those who come in under the President's plan by looking at some who already are exiles from Germany. Outstanding among these is Professor Einstein, the world's foremost scientist. Another is Thomas Mann, probably the foremost novelist of this day and the Nobel Prize winner in 1929. Thomas Mann is a Lutheran, and in his public utterances he has been unsparingly critical of Hitler and the Hitlerian system. Dr. Heinrich Bruening, a Catholic, who for a long while was Chancellor of Germany, is now in the United States. There came to America within the last year one Dr. Alice Salomon, who, though born a Jew, was converted and considers herself a Lutheran today. She is 75 years old, an eminent sociologist, the vice president of the International Council of Women, and has been called the Jane Addams of Germany.

In May 1937, one Dr. Ernst Wilhelm Meyer resigned from the German diplomatic service. Dr. Meyer is a Lutheran and at the time of his resignation was counsellor of the German Legation in Washington. He was outspoken in his condemnation of Hitler and characterized Hitler as anti-Christian. Another refugee is Wilhelm Sollmann who for 15 years was a member of the Reichstag and who was secretary of the interior in the Stresemann cabinets. One of the more colorful expatriates is a young Catholic whose German citizenship was declared forfeited in 1935, Prince Hubert zu Loewenstein. The prince is a direct descendant of 12 Roman-German emperors and, in the course of numerous interviews and lectures in America, he gave Americans an insight into the various methods of torture the Nazis employ against those who do not agree with them.

And Germany's loss will be the world's gain. As the *Manchester Guardian* said editorially on March 26, 1938:

Men of science and of scholarship, of art and letters, and humbler people who have voiced their religious or political faiths in the past and cannot deny them today are facing in Nazi Austria either the prison camp or that stifled life in which their talents cannot be used. It is not only they who suffer, for when such men are stopped in their work it is a loss to the entire world community. * * * But prudence counsels what humanity demands. Men of strong opinions and good abilities are valuable to the world and can be absorbed.

These are only a few of the people who have achieved world-wide recognition. There are many others whose names make an honor roll of artists, educators, and scientists. The contributions of these people and their forbears has created for Germany during the last 100 years the reputation of great scientific achievement and genius. But this reputation was created in great part by the people who are now being persecuted and banished from Germany.

With the announcement of the refugee aid plan, the American press explained our genesis and history as a nation. The *Utica Press*, in an editorial, March 28, 1938, stated:

Secretary Hull's appeal in behalf of the victims of political, religious, and racial persecution in German-Austria is in accordance with this country's best traditions * * *

From its earliest days this country has always been a place of refuge for the oppressed of other lands. The right of asylum is one of the fundamental tenets of the American faith. Not only that, but America has made herself richer and stronger by accepting those keen minds and sturdy souls whose very independence and originality made them appear a menace to autocratic regimes.

We want more Einsteins and more Thomas Manns, more members of the "university in exile." Germany's loss of those men has most emphatically been our gain. The same will be true of the persecuted in Austria.

In medicine, science, art, and music Vienna has long carried the torch of culture. Its very tolerance and freedom from religious and racial prejudices have made life there more worth living. * * *

America's historical tradition is that of a haven for the persecuted and oppressed. The Pilgrim Fathers came to this country, as did the Puritans, because in the England of their day they had not the freedom to practice their religion. The descendants of the Pilgrim Fathers and the earliest Puritans are the backbone of America. Where they would be if this country had not been available as a haven for their ancestors is a matter which might cause them a good deal of uncomfortable speculation considering the conservative America for Americans policy most of them see fit to follow.

The Revolution occurred because the colonists who lived in America at the time were themselves persecuted and oppressed by the British Government. The cry of the day was "Taxation without representation is tyranny!" and the sentiment of the colonists was reflected in Patrick Henry's famous statement. Thus the American Government itself was born of oppression and was dedicated to freedom. In consequence of its dedication, up until after the World War, no restrictions were placed upon those who might enter the country.

Following the disorders in central Europe in 1848, there was a wave of immigrants who were known in their homelands as liberals, and who proved to be valuable additions to our Nation. They brought with them a culture and civilization important to the advancement of this Republic. They

brought with them men who had been fighting the forces of reaction under the banner of liberalism and freedom for the individual.

Along with these "forty-eighters" came the parents of many men who today occupy high positions in government, business, and the arts. Considering their reputation as liberals in Europe, these immigrants, who because they came at a time when the population of America was nowhere near what it is today, might have proved a threat to the existence of this Government. Nevertheless, they became among its staunchest disciples. The similarity between the people who came in 1848 and in the years following and the people who are the refugees in Germany and Austria today is very striking. The fine example set by the older immigrants as American citizens should allay the fears harbored by some of our citizens who are anxious for the preservation of democratic institutions.

In the latter part of the nineteenth century emigration was heaviest from northwestern and western Europe, and since the turn of the century immigrants have been made up mainly of people fleeing from oppressive governments in the eastern and southern parts of Europe.

The whole background in American history is that of continued influx to these shores of persons persecuted elsewhere.

The bulk of the immigration to this country before the American Revolution was made up of those who sought freedom to worship God. A man who makes a point of that sort of freedom is apt to be a good citizen, and so were our Puritan Fathers. Other comers sought refuge from political tyranny which was then rife in Europe. They, too, were men of courage and strength, as are the refugees from Germany now under proscription.

Any refugees that may come from Austria and Germany, of course, can hardly be called friends of the Hitler regime. This is particularly important in connection with counteracting the imported propaganda of Nazis in the United States. Those who may come as refugees after having lived through the genesis of the Nazi movement—and they are undoubtedly well acquainted with its symptoms and the lines of action which it is most likely to adopt in this country—will prove invaluable in counteracting subversive activities here.

It should be noted that there is a real present danger of subversive activity by Nazi groups in the United States and the purpose of these groups is to create a German bloc in this country for political action according to German ideas. This was announced by Fritz Kuhn in the *Deutscher Weckruf und Beobachter* of May 5, 1938. The development of such a movement is being demonstrated in Czechoslovakia today. A similar movement was suppressed to some extent in Brazil where Nazi agents were deported and the government stated that Germany would not be allowed to create a minorities problem in Brazil, and also in the recent uprising which apparently is of German origin or at least of German support.

NELLIE A. KING

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BURKE. I yield to the Senator from Tennessee.

Mr. McKELLAR. As in executive session, I ask that the nomination of Nellie A. King to be postmaster at Verplanck, N. Y., be considered at this time.

There being no objection, the Chief Clerk read the nomination of Nellie A. King to be postmaster at Verplanck, N. Y.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

FORECLOSURE OF MORTGAGES BY HOME OWNERS' LOAN CORPORATION

Mr. LEE. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield to the Senator from Oklahoma.

Mr. LEE. Mr. President, tomorrow, when the Senate has adjourned, most of us will be turning toward our homes. It is appropriate that we think for a moment before leaving

about a problem which has grown to tremendous proportions in recent months. This problem concerns the home owner who has tried valiantly for years to own his own home, who may return tomorrow to find it is no longer his; that the mortgage on it has been foreclosed by an agency of the Federal Government; that the equity in it, which represents his life savings, is sacrificed by the severity of the present economic recession.

I hold in my hand a headline from the *Tulsa World* of May 15, 1938. This headline is a streamer which goes across the entire width of the paper. It is in heavy type. It says, "Tulsa H. O. L. C. home sales hit \$3,000,000."

In my State of Oklahoma the Home Owners' Loan Corporation has made 23,960 loans; 3,693 of these mortgages have been foreclosed and the owners evicted. Today, according to information just given me by H. O. L. C. officials, 3,695 are delinquent in payment and subject to eviction at an early date.

The Congress has recently made available several billions of dollars to combat this recession. We have passed legislation correcting some of the evils that brought about this temporary slump. Certainly it is consistent to insist that the Home Owners' Loan Corporation, an agency which the Congress created, cooperate to this end by instituting a temporary program of relief and assistance to the home owners who, through no fault of their own, are unable to bring up to date their H. O. L. C. payments.

This cooperation can be brought about by the adoption of the five-point program which has been outlined and submitted to the Home Owners' Loan Corporation by a committee from the House of Representatives. One of its major features is lowering the interest rate from 5 to 3½ percent.

Perhaps the private banks cannot lend to home owners and farmers at the same rates at which they lend to big business because they must meet certain requirements as to liquid assets; but the Government should be able to lend to the home owner at as low a rate as big business enjoys. The men who gamble on the stock market can borrow call money at less than 1 percent. I say the home owner should be able to borrow money at a much lower rate than is now possible.

These requests which have been presented to the Home Owners' Loan Corporation are timely. They are urgent. They require no additional legislation. I ask my colleagues in the Senate to join me in urging the H. O. L. C. to join in the spirit of the recession fight which we are making by adjusting the H. O. L. C. regulations to lower interest rates for the home owners, and to give maximum consideration to the honest man who is making every effort within the confines of the present economic possibilities to keep his home. The home is the heart of America. Let us preserve it.

Mr. President, I ask leave to have printed in the *Record* at this point the five-point petition which was addressed to the Board of Directors of the H. O. L. C. and signed by 93 Members of the House of Representatives of the Congress of the United States. The names appearing here are the names of the members of the subcommittee who drew up the petition.

There being no objection, the petition was ordered to be printed in the *Record*, as follows:

BOARD OF DIRECTORS, FEDERAL HOME LOAN BANK BOARD,
Acacia Building, Washington, D. C.

GENTLEMEN: Following the series of conferences held by the various Members of Congress, Mr. James Roosevelt and Mr. John H. Fahey and other members of the Home Owners' Loan Corporation, which conferences were held at the White House and offices of the Corporation for the purpose of formulating some means whereby the mortgagors of the Corporations, who are in need of assistance, might receive same, the Members of Congress submit to the Corporation the following proposals:

1. Reduction of the interest rate to 3½ percent, which reduction would place the home owner upon the same footing with regards to interest as farmers to whom Government loans have been made.

2. Creating of moratorium on principal payments for a period up to 3 years. This proposal would be in line with legislative action taken in New York and other States.

3. Abolition of deficiency judgments. This proposal is also similar to that which has come of a definite movement within the States.

4. The establishment of a quasi-judicial board of review, before which any mortgagor whose loan has been recommended for foreclosure may appear in person or through a duly authorized representative and have an opportunity to have the entire problem reviewed. It was suggested that the establishment of this board of review should be on a basis similar to the present Board of Appeals and Review of the Veterans' Administration and is designed to afford to the home owner every opportunity of having all the factors contributing to his distressed condition impartially reviewed. It is hoped that through this measure many foreclosures might be averted by cooperating with other Government agencies.

5. To permit foreclosed home owners to remain in their former homes as tenants provided they pay a reasonable rental.

The foregoing proposals have been submitted to the Corporation officials in accordance with the conclusions reached at the conferences, and it is hoped that the Corporation will immediately undertake to put into effect the proposals, most of which can be done without the enactment of further legislation.

The Members of Congress who have participated in the conferences and are submitting the proposal are: WILLIAM B. BARRY, MATTHEW J. MERRITT, of Queens; DONALD L. O'TOOLE, EUGENE J. KEOGH, of Brooklyn; JAMES J. LANZETTA, of New York; JAMES A. O'LEARY, of Staten Island; EDWARD L. O'NEILL, FRANK W. TOWEY, Jr., of New Jersey; D. WORTH CLARK, of Idaho; JAMES M. MEAD, of Buffalo, N. Y.; GEORGE B. KELLY, of Rochester, N. Y.; and ARTHUR D. HEALEY, of Massachusetts.

ACTION OR RESOLUTIONS BY COMMITTEE ON CAMPAIGN EXPENSES

Mr. WALSH. Mr. President—

Mr. BURKE. I yield to the Senator from Massachusetts.

Mr. WALSH. I ask unanimous consent that there may be printed in the RECORD any action taken or resolutions adopted by the Senate Committee on Campaign Expenses after the adjournment of Congress and before the publication of the last issue of the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

INVESTIGATION OF LOBBYING ACTIVITIES

The Senate resumed the consideration of the motion of Mr. MINTON that the Senate proceed to the consideration of Senate Resolution 279.

Mr. BURKE. Mr. President—

Mr. MINTON. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield to the Senator from Indiana.

Mr. MINTON. I merely wish to say, apropos of the statement I made a while ago regarding the Senator from Maryland [Mr. TYDINGS], and my recollection of what he said, that when I said I had no idea of making a general survey of the newspapers until the suggestion came to me, I did not know that the Senator from Maryland was in Havre de Grace. I would not have mentioned his name in that connection if I had not thought he was here, and could come upon the floor and make his own statement regarding the matter.

Mr. CONNALLY. Mr. President—

Mr. BURKE. I yield to the Senator from Texas.

Mr. CONNALLY. Allow me to state to the Senator from Nebraska and to the Senator from Indiana that I have no knowledge about the matter except that I was requested by my desk mate and colleague the senior Senator from Maryland [Mr. TYDINGS] to make that statement on the floor. I am expressing no opinion, either on the weight of the evidence or otherwise.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. BARKLEY. I wish to ask the Senator from Indiana, in the time of the Senator from Nebraska, a question.

I understand that the motion which has been made by the Senator from Indiana on the resolution brought in by the Committee to Audit and Control the Contingent Expenses of the Senate has no effect upon the life of the special committee. It merely provides funds which it may use between now and the beginning of the next session of the Congress, if it shall see fit to use them. Is that correct?

Mr. MINTON. The Senator is correct. The committee has enough funds to pay throughout the summer the little corps it now has of two employees. Had we received addi-

tional funds, we had intended to employ some additional force; but with the funds we have we shall have ample funds to carry our little force along through the summer, and the life of the committee goes on.

Mr. BARKLEY. Under the circumstances, then—

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. BARKLEY. The Senator from Nebraska has the floor.

Mr. BURKE. I yield to the Senator from South Carolina.

Mr. BYRNES. I should like to say to the Senator from Indiana that at the next session the Committee to Audit and Control the Contingent Expenses of the Senate will report a similar resolution providing funds, when we shall have time to discuss this matter at greater length, and give the Senator from Nebraska and the Senator from Indiana an opportunity to discuss it.

Mr. MINTON. I thank the Senator; and I shall welcome the opportunity, if the Senate wishes the Lobby Committee to continue its activities.

Mr. BYRNES. I promise the Senator that I shall do my best to have the resolution reported.

Mr. BURKE. I think the country will be able to survive the absence of the "objective study of newspapers" during the interim.

Mr. MINTON. I will say to the Senator from Nebraska that it may go on anyway. We have enough money to do it.

Mr. BARKLEY. Under the circumstances, which I am delighted to learn exist—that the committee does not die with this session, and that it has funds to carry on its work during the recess—I see no real purpose in prolonging the debate any further tonight, and if the Senator from Nebraska will yield to me for that purpose, I shall ask that the concurrent resolution providing for sine die adjournment be laid down.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield, if I have the floor.

Mr. BURKE. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, as a member of the committee appointed to investigate lobbying activities, I desire to make a very brief statement.

I have been disappointed tonight that it has not been possible to secure a vote of the Senate upon this question. I do not know how the Members of this body feel about the activities of the special committee. I know, so far as the committee is concerned, that it has gone through the past 3 years trying, we believe faithfully and devotedly, to do its work.

So long as former Senator Black was a member of the committee and chairman of the committee, he was attacked from one end of the country to the other. The attack continued, even by those who last year said it was terrible to attack a member of the Supreme Court. The attack has continued throughout the country upon Mr. Justice Black as a member of the Supreme Court of the United States. It has been astounding to me to see the Members of this body who last year said that any attack upon the Supreme Court, or upon the membership of the Supreme Court, was an attack upon the fundamentals of our Government, joining and cheering the attacks which were made upon Mr. Justice Black since he has been a member of the Supreme Court.

Mr. BURKE. Will the Senator from Washington be a little more specific in that statement?

Mr. SCHWELLENBACH. No; the Senator from Nebraska knows who has been doing it.

Mr. BURKE. I know no Member of this body who has criticized Mr. Justice Black in any respect since he has been upon the Court.

Mr. SCHWELLENBACH. Since Mr. Justice Black left the committee and my colleague, the Senator from Indiana [Mr. MINTON], became its chairman, he has been subjected to

the same sort of a foul attack by the newspapers and the magazines of the country.

For myself, I wish to say that I have served upon the committee under these two chairmen. I know that both of them have honestly and sincerely and courageously tried to carry on a fight for the benefit of the people of the country. No matter what any other Member of this body may think, I am proud of my association upon the committee with Mr. Justice Black and with the junior Senator from Indiana [Mr. MINTON].

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BURKE. Just a moment, and then I will yield.

I desire to say for myself that I consider that one of the blackest pages in the history of Senate action took place under the direction of the Lobby Investigating Committee; and, so far as I am concerned, I propose to protest vigorously against any repetition of that kind of conduct. Further than that, and before I yield the floor, and as to the purpose behind this resolution—

Mr. MINTON. Will the Senator yield?

Mr. BURKE. I will yield in a moment. I want to read just a few words from the radio address made by the chairman of the Lobby Investigating Committee to indicate what really was in mind. I read from a radio address made on May 12, 1938:

I propose to tell you the story of how the press is used to deceive the people.

And then, going on, not reading the entire article—

Mr. MINTON. Why does not the Senator read it all? I should be glad to have the Senate hear it all.

Mr. BURKE. It is in the Record. Those can read it who wish to do so.

Mr. MINTON. Why does the Senator read any of it if he will not read all of it?

Mr. BURKE. Well, none of it is really worth reading.

Mr. MINTON. Why does the Senator read it at all, then?

Mr. CLARK. Mr. President, I make the point of order that a Senator is not allowed to interrupt the remarks of another Senator without addressing the Chair and obtaining permission to do so.

The PRESIDENT pro tempore. That is the rule.

Mr. BURKE. Mr. President, I am still reading from the radio address of the chairman of the Lobby Investigating Committee:

Last Friday a Senate investigating committee called the publisher of that magazine—

Referring to the magazine Rural Progress—

to Washington and asked him about its nonpartisanship, its advertising, etc. This investigation has been so greatly misrepresented to you in the newspapers that I want to give you briefly the evidence brought out at this hearing, and I am grateful to the National Broadcasting Co. for an opportunity to tell you something that some newspapers concealed from you.

Then, if I may be permitted to go to the end of the article—I hope everyone who is interested will read the entire speech as it appears in the CONGRESSIONAL RECORD Appendix, May 13, 1938:

That is all the Senate committee wants. We do not want to stop propaganda or criticism. All we want is that the critic shall stand before you with his sponsors, especially those that put up the bank roll. If you are satisfied with the propaganda and criticism when you know where it is coming from and who pays the bill, that is your business, not ours. So I have removed the mask of Rural Progress so you may know they were deceiving you about where the money came from to publish Rural Progress, and that they are not nonpartisan but just as partisan as the Republican Committee of One Hundred whose chairman is also the head of Rural Progress.

I understood that the purpose of this resolution was to provide funds so that the committee might go out in its own way to attempt to "remove the mask," as the Senator says, from all the editors and publishers of the papers of the country, or, at least, all of those who undertook to espouse a policy with which it may be the chairman of the Lobby Committee did not agree.

I now yield the floor.

Mr. BARKLEY obtained the floor.

Mr. MINTON. Mr. President, will the Senator yield to me for just a minute?

Mr. BARKLEY. I yield to the Senator from Indiana.

Mr. MINTON. I want to say a word about this magazine to which the distinguished Senator from Nebraska has just referred, and which was investigated by the Lobby Committee, known as Rural Progress.

It is a magazine which was sent out into seven so-called pivotal States—Indiana, Illinois, Ohio, Michigan, Wisconsin, Minnesota, and Iowa—seven pivotal States, so the publisher of the magazine said; pivotal on the question of farming. Of course, that would exclude the farming States of Nebraska, both the Dakotas, Kansas, Texas, Oklahoma, Missouri, and a whole host of others which are engaged in farming. The seven named were the seven pivotal political States. This magazine was sent out and put into the mail box of every mail-box holder in seven pivotal States free of charge, and it was represented to the people in the pages of the magazine that the magazine was paid for by the advertisers, that it was wholly nonpartisan, and that it had no ax at all to grind except just to help the farmer to solve his problem.

The facts were, as revealed by the hearing before the Lobby Committee, that it was not a nonpartisan magazine, but that it was consistently against everything that the administration stood for, and that the advertisers did not pay the bill. They lacked \$951,000 of paying the bill of their operations for 3 years. In other words, they lost almost a million dollars; and who paid the bill? The "farmers" of Wall Street—Frank Vanderlip; Frank Vanderlip, Jr.; Frank Vanderlip's estate; George Ball, the millionaire manufacturer of Indiana; directors of the Allis-Chalmers Co. of Milwaukee; directors of the Westinghouse Electric Co. They paid the bill to put Rural Progress into the mail box of every farmer in seven pivotal States, under the specious plea that it was a nonpartisan sheet and had no ax to grind in politics, and that the advertisers paid the bill. They repeated time after time in their magazine the assertion that the advertisers paid the bill, when they did not pay the bill by almost a million dollars.

It was nonpartisan? Oh, yes; it was nonpartisan. Who was at the head of it? Mr. Glenn Frank was the editor and publisher of Rural Progress, at a salary of \$25,000 a year, paid by a magazine which had never made a dollar during its existence.

The president and publisher, I say, was Mr. Glenn Frank, who directed the policy of Rural Progress, and Rural Progress was just as nonpartisan as Glenn Frank, and he is just as nonpartisan as the Republican Party. [Laughter.]

Mr. President, that is the story of Rural Progress, as it was revealed by the Lobby Committee in its investigation. All we wanted to do was to let the farmers in the seven pivotal States know that this magazine was not paid for by the advertisers, as the magazine said it was, but was paid for by the bankers of Wall Street, the "farmers" upon Wall Street; that it was not nonpartisan, as they represented it to be, but that it was just as partisan as the Republican Party, because Glenn Frank headed it up.

CONFIRMATION OF FRENCH W. GRAHAM AS POSTMASTER

Mr. REYNOLDS. Mr. President, as in executive session, I ask for the consideration of the nomination of French W. Graham to be postmaster at Elkin, N. C., with the explanation that I received several communications requesting that the matter be held up until proposed charges were preferred, and not having heard from them, I now ask that the Senate proceed to act on the nomination.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, June 16, 1938, that committee presented to the President of the United States the following enrolled bills and joint resolution:

- S. 371. An act for the relief of William R. Kellogg;
 S. 1043. An act for the relief of A. C. Williams;
 S. 1294. An act to amend the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended;
 S. 1478. An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi;
 S. 2163. An act to authorize the deposit and investment of Indian funds;
 S. 2505. An act for the relief of James J. Hogan;
 S. 3337. An act to amend section 2 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, to increase the authorized percentage of privates, first class, in the Marine Corps from 25 to 40 percent of the whole number of privates;
 S. 3548. An act to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended;
 S. 3774. An act to authorize cooperation between the United States and the State of New York in the protection of the public interest and welfare inherent in certain forest lands in said State through provision for the acquisition and management of said lands;
 S. 4007. An act authorizing the county of Lawrence, Ky., to construct, maintain, and operate a free highway bridge across the Big Sandy River at or near Louisa, Ky.;
 S. 4011. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, St. Louis, Mo.;
 S. 4036. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;
 S. 4041. An act granting the consent of Congress to the State of New Jersey and the Commonwealth of Pennsylvania to enter into compacts or agreements with respect to constructing, maintaining, and operating a vehicular tunnel under the Delaware River;
 S. 4044. An act to authorize the President to permit citizens of the American Republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by Departments or agencies thereof;
 S. 4069. An act to authorize the Secretary of War to lend certain property to the reunion committee of the United Confederate Veterans to be used at their annual encampment to be held at Columbia, S. C., from August 30 to September 2, 1938;
 S. 4070. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1938 Reunion at Columbia, S. C., from August 30 to September 2, 1938, both dates inclusive;
 S. 4132. An act limiting the hours of labor of certain officers and seamen on certain vessels navigating the Great Lakes and adjacent waters; and
 S. J. Res. 308. Joint resolution to prescribe the acreage allotments for wheat for 1939.

ORDER OF BUSINESS

Mr. BARKLEY obtained the floor.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REYNOLDS. Mr. President, I ask unanimous consent that I be heard upon a motion for reconsideration. On the calendar of motions for reconsideration there is listed a motion made by the Senator from Utah [Mr. KING] for the reconsideration of the vote by which Senate bill 2206, to provide for the transfer of the enlisted men of the Coast Guard to the fleet naval reserve, was passed.

Mr. BARKLEY. Mr. President, I do not wish to yield to anything that will consume any time. Is it a motion to reconsider which the Senator desires to have called up?

Mr. REYNOLDS. It is a motion to reconsider which is on the calendar.

Mr. BARKLEY. What is the status of it?

Mr. REYNOLDS. The bill was passed by the Senate. The Senator from Utah [Mr. KING] asked for a reconsideration of the vote by which the bill was passed, and the motion is on the calendar. It was not called during the call of the calendar, and, as a result, I was not provided an opportunity to bring it to the attention of the Senate, and before the adjournment tonight I should like to have a vote on it.

Mr. KING. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. KING. If this is to be taken up for discussion, it will take some time tonight. There are a large number of documents in my office relating to the matter, which I did not suppose would be called up tonight. Naval officials express opposition to the bill.

Mr. BARKLEY. Is this a bill which can be completed and sent to the President merely by a disposition of the motion to reconsider?

Mr. KING. No.

Mr. BARKLEY. What is to be accomplished by reconsidering the vote, then? It is a Senate bill, I am informed, and the House will not act upon it even though the motion to reconsider is defeated and the bill passed. There is no chance for it to be considered in the House, and it seems to me a waste of time to consume time on it now, because the House is not going to consider any further business tonight.

Mr. REYNOLDS. I should like to have a vote on it.

Mr. KING. There will be no vote, Mr. President.

Mr. BARKLEY. I think it is a futile effort. Under the circumstances, I feel that I cannot yield for that purpose.

FINAL ADJOURNMENT RESOLUTION

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 67), as follows:

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress shall adjourn on Thursday the 16th day of June 1938, and that when they adjourn on said day they stand adjourned sine die.

The concurrent resolution was agreed to.

ADJOURNMENT SINE DIE

Mr. BARKLEY. Mr. President, before I make the motion which I shall make in compliance with the concurrent resolution, I wish to express to my colleagues my grateful appreciation for the courtesies and the cooperation which I have received at their hands during this session of the Congress. I have been in Congress many years, but I do not recall a session of the Congress when the Members have been more industrious and more earnest in the performance of their duties than during the session which is now about to close. There have been many questions of difference, controversy, and disagreement. The Senate has disposed of practically all of them in fine spirit and in good humor. We have not indulged in any useless or unnecessary delays in the consideration of measures at this session, and I wish to thank my colleagues on this side of the Chamber for the uniform courtesy and consideration which I have received in the position which I have occupied during the session.

I wish also to express my grateful appreciation to the distinguished senior Senator from Oregon [Mr. McNARY], the leader of the minority, for his unfailing cooperation and his generous courtesy and cooperation in the transaction of the business of the Senate.

I wish for all the Members of the Senate a joyous return to their homes and their constituents, and to those who may not return here—and there are some who are not asking for reelection—I wish to say that I hope that through the remainder of their years they may carry the happy memory of their association here in this great deliberative body.

I wish likewise to express my appreciation to the members of the press gallery for the forbearance and consideration

and unfailing courtesy which I have received at their hands in dealing with the publication of the news of the Senate.

I wish for all of you a happy return to your homes, a full meed of pleasure, and some repose among your friends and neighbors, and that we may return to the next session of Congress with renewed determination to serve our country with invigorated bodies and minds in the performance of our duties.

Mr. President, in compliance with the terms of the concurrent resolution just adopted, I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 22 minutes p. m.) the Senate adjourned sine die.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED AND ALSO PRESENTED

Under the authority of House Concurrent Resolution 66, on June 18, 1938, the President pro tempore signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives; and on the same date (June 18, 1938) they were presented to the President of the United States by the Committee on Enrolled Bills:

S. 252. An act to exempt publicly owned interstate highway bridges from local taxation;

S. 1532. An act to exempt retired officers of the Marine Corps and Coast Guard from certain restrictions with respect to holding office under the United States;

S. 2090. An act authorizing the naturalization of Vernice May McBroom, and for other purposes;

S. 2338. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works and for other purposes;

S. 2412. An act for the relief of A. Pritzker & Sons, Inc.;

S. 2702. An act for the relief of James A. Ellsworth;

S. 2783. An act to amend the China Trade Act, 1922, as to the duration of the China Trade Act corporations;

S. 2811. An act to amend the act of June 20, 1936, so as to provide for the certification, authentication, and use in evidence of documents of record or on file in public offices in the State of the Vatican City;

S. 3062. An act for the relief of Thomas H. Eckfeldt;

S. 3064. An act for the relief of George Henry Levins;

S. 3171. An act for the relief of William Server Rhodes, chief boatswain's mate, United States Navy, retired;

S. 3189. An act for the relief of Earle Embrey;

S. 3255. An act to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, to prevent acts and practices inconsistent with just and equitable principles of trade, and for other purposes;

S. 3319. An act to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to the Disabled American Veterans of the World War, Inc.;

S. 3346. An act authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath Business Committee, and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe;

S. 3387. An act for the relief of Hubert J. Cuncannan;

S. 3525. An act to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government," approved July 13, 1937;

S. 3628. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of Government contractors whose costs of performance were increased as a result of enactment of the National Industrial Recovery Act, June 16, 1933;

S. 3633. An act authorizing the naturalization of Albin H. Youngquist, and for other purposes;

S. 3682. An act for the relief of Lofts & Son;

S. 3763. An act to increase the period for which leases may be made for grazing and agricultural purposes of public lands donated to the States of North Dakota, South Dakota, Montana, and Washington by the act of February 22, 1889, as amended;

S. 3781. An act for the relief of the International Oil Co., of Minot, N. Dak.;

S. 3798. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937;

S. 3805. An act to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy;

S. 3810. An act to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers;

S. 3817. An act for the relief of John Haslam;

S. 3830. An act for the relief of William C. Willahan;

S. 3891. An act to provide for the reimbursement to certain enlisted men of the Navy for the value of personal effects lost in a fire at the Naval Air Station, Hampton Roads, Va., May 15, 1936;

S. 3937. An act conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of the Wisconsin Bridge & Iron Co.;

S. 4005. An act for the relief of Ida May Swartz;

S. 4136. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Nevada and Toiyabe National Forests in Nevada and to promote efficiency and economy of administration of said national forests; and

S. J. Res. 114. A joint resolution for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of House Concurrent Resolution 66, on June 20, 1938, the President pro tempore signed the following House enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H. R. 342. An act for the relief of H. Ward Bell;

H. R. 344. An act for the relief of Ford O. Gotham and James McCumber;

H. R. 347. An act for the relief of W. Glenn Larmonth;

H. R. 656. An act for the relief of Elmer W. Haas;

H. R. 667. An act to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person;

H. R. 1251. An act for the relief of Anna L. Andreas and Anita Andreas;

H. R. 1299. An act for the relief of William E. Rich;

H. R. 1768. An act for the relief of Olin J. Salley;

H. R. 2646. An act for the relief of Isabella Hooper Caraway and James Randolph Hooper, a minor;

H. R. 2716. An act to provide for the local delivery rate on certain first-class mail matter;

H. R. 2734. An act to authorize the coinage of 50-cent pieces in commemoration of the four hundredth anniversary of the journey and explorations of Francisco Vasquez de Coronado;

H. R. 3357. An act conferring jurisdiction upon the United States District Court for the Northern District of California to hear, determine, and render judgment upon the claim of Fred Owens;

H. R. 3618. An act to reestablish the longevity pay of warrant officers;

H. R. 3761. An act for the relief of Dudley E. Essary;

H. R. 3961. An act for the relief of the estate of Benjamin A. Pillsbury (William J. Pillsbury, executor);

H. R. 4115. An act for the relief of Roy M. Young;

H. R. 4540. An act authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes;

H. R. 4691. An act for the relief of Pompeo Ercolano;
 H. R. 4996. An act for the relief of Sue VanRyn; Donald A. VanRyn, a minor; and the estate of Margaret Breseman, deceased;
 H. R. 5804. An act to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes;
 H. R. 6168. An act to amend section 239 of the act of June 8, 1872 (17 Stat. 312, U. S. C., title 39, sec. 500);
 H. R. 6178. An act to abolish appeals in habeas corpus proceedings brought to test the validity of orders of removal;
 H. R. 6591. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;
 H. R. 6805. An act for the relief of William Moseley;
 H. R. 6820. An act for the relief of Elizabeth Vresh (Yalga Vres), her son Frederick Vresh, and her daughter Sylvia Vresh Bronowitz;
 H. R. 6925. An act to provide for a national cemetery in every State;
 H. R. 7039. An act for the relief of Paul Hirschmann;
 H. R. 7084. An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes;
 H. R. 7144. An act for the relief of the Curtiss Aeroplane & Motor Co., Inc.;
 H. R. 7294. An act for the relief of Bartholemew Harrington;
 H. R. 7369. An act to validate certain certificates of naturalization granted by the United States District Court for the District of Hawaii;
 H. R. 7515. An act to authorize the sale of certain lands of the Eastern Band of Cherokee Indians, North Carolina;
 H. R. 7854. An act for the relief of Joseph Gross;
 H. R. 8047. An act to amend the Meat Inspection Act of March 4, 1907, as amended and extended, with respect to its application to farmers, retail butchers, and retail dealers;
 H. R. 8199. An act for the relief of Mrs. Olive Fletcher Conklin;
 H. R. 8434. An act to liberalize the laws providing pensions for the dependents of veterans whose death resulted from service prior to April 21, 1898;
 H. R. 8753. An act for the relief of the Choctaw Cotton Oil Co., of Ada, Okla.;
 H. R. 8799. An act for the relief of William B. Blaufuss;
 H. R. 9012. An act for the relief of Joseph Webbe;
 H. R. 9132. An act for the relief of Celia Koehler;
 H. R. 9133. An act for the relief of William Monroe;
 H. R. 9135. An act for the relief of Emons Wolfer;
 H. R. 9171. An act directing the Court of Claims to reopen certain cases and to correct the errors therein, if any, by additional judgments against the United States;
 H. R. 9199. An act for the relief of Helen M. Krekler and the estate of Kemp Plummer;
 H. R. 9282. An act for the relief of the estate of D. B. Carter;
 H. R. 9448. An act for the relief of Charles G. Bostwick;
 H. R. 9516. An act for the relief of J. T. Herren and Billie Herren, a minor;
 H. R. 9543. An act for the relief of Mr. and Mrs. Harold E. Theriault;
 H. R. 9569. An act for the relief of Charles P. McCarthy and the Paul Revere Fire Insurance Co.;
 H. R. 9731. An act for the relief of James J. Coyne;
 H. R. 9739. An act to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act otherwise known as the Motor Carrier Act, 1935;
 H. R. 9795. An act for the relief of Michael J. Muldowney;
 H. R. 9859. An act for the relief of Victor H. Todaro;
 H. R. 9868. An act for the relief of Harry J. Somerville;
 H. R. 10024. An act to establish the Olympic National Park, in the State of Washington, and for other purposes;
 H. R. 10043. An act for the relief of employees of the Works Progress Administration whose tools and personal property were damaged or destroyed by fire at Roosevelt Stadium, Jersey City, N. J.;

H. R. 10051. An act to provide for travel allowance to railway mail clerks assigned to road duty;
 H. R. 10135. An act for the relief of James Philip Coyle;
 H. R. 10136. An act for the relief of John Patrick Toth;
 H. R. 10339. An act for the relief of Isaac Friedlander;
 H. R. 10380. An act to amend the act entitled "An act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia";
 H. R. 10506. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.;
 H. R. 10507. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;
 H. R. 10527. An act for the relief of the American National Bank, of Kalamazoo, Mich.;
 H. R. 10540. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;
 H. R. 10605. An act to authorize the appropriation of funds for the development of rotary-wing and other aircraft;
 H. R. 10610. An act granting the consent of Congress to the Iowa State Highway Commission to reconstruct or construct, maintain, and operate a free highway bridge across the Des Moines River, at or near Keosauqua, Iowa;
 H. R. 10632. An act authorizing the Port Authority of Duluth, Minn., and the Harbor Commission of Superior, Wis., to construct a highway bridge across the St. Louis River from Rice's Point in Duluth, Minn., to Superior in Wisconsin;
 H. R. 10670. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;
 H. R. 10752. An act to authorize Federal cooperation in the acquisition of the "Muir Wood Toll Road," located in Marin County, State of California, and for other purposes;
 H. R. 10777. An act authorizing the village of Baudette, State of Minnesota, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;
 H. R. 10835. An act to authorize the county of Kauai to issue bonds of such county in the year 1938 under the authority of Act 186 of the Session Laws of Hawaii, 1937, in excess of 1 percent of the assessed value of the property in said county as shown by the last assessment for taxation;
 H. R. 10842. An act creating the Cassville-Guttenberg Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Cassville, Wis., and Guttenberg, Iowa;
 H. R. 10851. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes;
 H. R. 10866. An act authorizing the States of Minnesota and Wisconsin, jointly or separately, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Winona, Minn.;
 H. R. 10873. An act to authorize the conveyance to the Arthur Alexander Post, No. 68, the American Legion, of Belzoni, Miss., of the improvements and site containing 18 acres of land, more or less, at lock and dam No. 1 on the Sunflower River, Miss.;
 H. R. 10895. An act to amend an act of Congress approved August 16, 1937, relating to death damage claims in the cases of Marshall Campbell and Raymond O'Neal;
 H. R. 10907. An act to provide for the vesting of title and the disposition of personal property left or found upon premises used as Veterans' Administration facilities, and for other purposes;

H. R. 10935. An act to authorize the Secretary of War to lend War Department equipment for use at the convention of the American Legion of New York during the month of August 1938;

H. J. Res. 281. Joint resolution to authorize sales and exchanges by the State of Wisconsin, notwithstanding certain provisions in the act of August 22, 1912 (37 Stat. 324);

H. J. Res. 551. Joint resolution providing compensation for certain employees;

H. J. Res. 663. Joint resolution to provide for the operation of the Peru and Indianapolis Railway Post Office by motor vehicle over the public highways;

H. J. Res. 681. Joint resolution to amend the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended;

H. J. Res. 707. Joint resolution requesting the President of the United States to proclaim the week of May 31, 1939, National Flood Prevention Week;

H. J. Res. 714. Joint resolution for the relief of certain aliens; and

H. J. Res. 723. Joint resolution to amend H. R. 10672, Seventy-fifth Congress, third session, entitled "An act to amend section 4197 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 91), and section 4200 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 92), and for other purposes," so as to correct a typographical error.

ENROLLED BILLS SIGNED, AND ALSO PRESENTED

Under the authority of House Concurrent Resolution 66, on June 20, 1938, the President pro tempore signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives; and on June 21, 1938, they were presented to the President of the United States by the Committee on Enrolled Bills:

S. 3. An act to regulate commerce in firearms;

S. 662. An act for the relief of Jeanne Rich, a minor;

S. 1131. An act to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves;

S. 2403. An act to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes;

S. 3283. An act to authorize the Secretary of the Interior to place certain records of Indian tribes of Nebraska with the Nebraska State Historical Society, at Lincoln, Nebr., under rules and regulations to be prescribed by him;

S. 3403. An act for the relief of Leonard Braboski;

S. 3493. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 3516. An act to alter the ratio of appropriations to be apportioned to the States for public employment officer affiliated with the United States Employment Service;

S. 3517. An act for the relief of David B. Monroe;

S. 3560. An act to revise the boundaries of the Colonial National Historical Park in the State of Virginia, and for other purposes;

S. 3684. An act to amend section 113 of the Judicial Code, as amended;

S. 3921. An act for the relief of Remigio Ortiz; and

S. 3957. An act for the relief of James Thow, Charles Thow, and David Thow.

APPROVAL OF SENATE BILLS AND JOINT RESOLUTION

The President of the United States, subsequent to the final adjournment of the third session of the Seventy-fifth Congress, notified the Secretary of the Senate that he had approved acts and a joint resolution of the Senate, as follows:

On June 20, 1938:

S. 213. An act for the relief of Ida A. Gunderson;

S. 606. An act for the relief of Mabel F. Hollingsworth;

S. 866. An act for the relief of the estate of James D. McEachern;

S. 2072. An act for the relief of Stuart C. Peterson;

S. 2629. An act to authorize an exchange of lands between the city of San Diego, Calif., and the United States;

S. 2876. An act for the relief of Mark H. Doty;

S. 2948. An act for the relief of A. J. Moses and Gladys Moses, a minor;

S. 3034. An act for the relief of Faye B. Millie;

S. 3227. An act for the relief of Mr. and Mrs. Chester A. Smith;

S. 3263. An act for the relief of the State of Georgia;

S. 3415. An act to purchase certain private lands within the Shoshone (Wind River) Indian Reservation;

S. 3426. An act to authorize an appropriation for repayment to the Middle Rio Grande Conservancy District, a subdivision of the State of New Mexico, of the share of the said district's construction and operation and maintenance costs applicable to certain properties owned by the United States, situated in Bernalillo County, N. Mex., within the exterior boundaries of the district; to authorize the Secretary of the Interior to contract with said district for future operation and maintenance charges against said lands; to authorize appropriation for extra construction work performed by said district for the special benefit of certain Pueblo Indian lands and to authorize appropriation for construction expenditures benefiting certain acquired lands of Pueblo Indians of the State of New Mexico;

S. 3469. An act to amend section 128 of the Judicial Code as amended;

S. 3470. An act for the relief of Lewis M. Foster;

S. 3512. An act for the relief of Elizabeth Cory;

S. 3561. An act for the relief of certain individuals in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho;

S. 3573. An act for the relief of William J. Pitochelli;

S. 3587. An act for the relief of Mr. and Mrs. P. F. Nixon, parents of Herschel Lee Nixon, deceased minor son;

S. 3719. An act for the relief of Manuel L. Clay;

S. 3739. An act for the relief of Alpha T. Johnson;

S. 3754. An act to amend sections 729 and 743 of the Code of Laws of the District of Columbia;

S. 3917. An act authorizing the President to present gold medals to Mrs. Richard Aldrich and posthumously to Anna Bouigny;

S. 4050. An act to repeal section 2 of the act of June 16, 1936, authorizing the appointment of an additional district judge for the eastern district of Pennsylvania; and

S. J. Res. 308. Joint resolution to prescribe the acreage allotments for wheat for 1939.

On June 21, 1938:

S. 2739. An act for the relief of certain employees of the Federal Emergency Administration of Public Works and the National Resources Committee;

S. 3005. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of the A. C. Messler Co.;

S. 3540. An act for the relief of certain personnel of the Coquille River Coast Guard Station, Bandon, Oreg.;

S. 3734. An act for the relief of certain officers and enlisted men of the United States Coast Guard; and

S. 4070. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1938 Reunion at Columbia, S. C., from August 30 to September 2, 1938, both dates inclusive.

On June 22, 1938:

S. 82. An act for the relief of F. A. Rumery & Sons, of Portland, Maine;

S. 652. An act for the relief of John B. Jones;

S. 1239. An act for the relief of John W. Beck;

S. 1272. An act relative to the military record of James Meagher, deceased;

S. 1346. An act for the relief of Stillwell Bros., Inc.;

S. 2532. An act for the relief of Mr. and Mrs. Guy R. Syth;

S. 2994. An act for the relief of Mrs. Morgan R. Butler;

S. 3031. An act for the relief of the Lima Locomotive Works, Inc.;

S. 3079. An act for the relief of George W. Breckenridge;
 S. 3337. An act to amend section 2 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, to increase the authorized percentage of privates, first-class, in the Marine Corps from 25 to 40 percent of the whole number of privates;

S. 3446. An act for the relief of Richard K. Gould;
 S. 3490. An act for the relief of Benjamin H. Faith;
 S. 3534. An act for the relief of Miriam Rieber;
 S. 3940. An act authorizing the Comptroller General of the United States to adjust and settle the claim of Oscar L. Mather; and

S. 4076. An act to amend the Federal Crop Insurance Act. On June 23, 1938:

S. 1043. An act for the relief of A. C. Williams;
 S. 2437. An act for the relief of Oscar Jones;
 S. 2797. An act for the relief of Miriam Thornber;
 S. 3548. An act to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended;

S. 3584. An act for the relief of G. E. Maxwell;
 S. 3845. An act to create a Civil Aeronautics Authority, and to promote the development and safety and to provide for the regulation of civil aeronautics; and

S. 4132. An act limiting the hours of labor of certain officers and seamen on certain vessels navigating the Great Lakes and adjacent waters.

On June 24, 1938:

S. 2163. An act to authorize the deposit and investment of Indian funds;

S. 2505. An act for the relief of James J. Hogan;
 S. 4007. An act authorizing the county of Lawrence, Ky., to construct, maintain, and operate a free highway bridge across the Big Sandy River at or near Louisa, Ky.;

S. 4011. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, St. Louis, Mo.;
 S. 4036. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma; and

S. 4044. An act to authorize the President to permit citizens of the American republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof.

On June 25, 1938:

S. 5. An act to prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics, and for other purposes;

S. 371. An act for the relief of William R. Kellogg;
 S. 375. An act for the relief of Mrs. John Olson;
 S. 824. An act for the relief of Sam Kimzey;

S. 1294. An act to amend the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended;

S. 1532. An act to exempt retired officers of the Marine Corps and Coast Guard from certain restrictions with respect to holding office under the United States;

S. 1987. An act for the relief of George J. Leatherwood;
 S. 2052. An act for the relief of Henry E. Reents;

S. 2090. An act authorizing the naturalization of Vernice May McBroom, and for other purposes;

S. 2338. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 2475. An act to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes;

S. 2624. An act for the relief of Emmett Lee Payne;
 S. 2702. An act for the relief of James A. Ellsworth;

S. 2783. An act to amend the China Trade Act, 1922, as to the duration of the China Trade Act corporations;

S. 2811. An act to amend the act of June 20, 1936, so as to provide for the certification, authentication, and use in

evidence of documents of record or on file in public offices in the State of the Vatican City;

S. 2819. An act to create a Committee on Purchases of Blind-Made Products, and for other purposes;

S. 2890. An act for the relief of Clarence Daniel, a minor;
 S. 2895. An act for the relief of Leona Draeger;

S. 3057. An act for the relief of John Fanning;
 S. 3062. An act for the relief of Thomas H. Eckfeldt;

S. 3064. An act for the relief of George Henry Levins;
 S. 3142. An act for the relief of Lt. Comdr. Robert R. Blaisdell and Lt. Edward W. Hawkes (retired), Supply Corps, United States Navy;

S. 3171. An act for the relief of William Server Rhodes, chief boatswain's mate, United States Navy, retired;
 S. 3189. An act for the relief of Earle Embrey;

S. 3255. An act to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails to prevent acts and practices inconsistent with just and equitable principles of trade, and for other purposes;

S. 3346. An act authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath business committee and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe;

S. 3387. An act for the relief of Hubert J. Cuncannon;

S. 3403. An act for the relief of Leonard Graboski;

S. 3517. An act for the relief of David B. Monroe;

S. 3525. An act to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government," approved July 13, 1937;

S. 3628. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of Government contractors whose costs of performance were increased as a result of enactment of the National Industrial Recovery Act, June 16, 1933.

S. 3633. An act authorizing the naturalization of Albin H. Youngquist, and for other purposes;

S. 3763. An act to increase the period for which leases may be made for grazing and agricultural purposes of public lands donated to the States of North Dakota, South Dakota, Montana, and Washington by the act of February 22, 1889, as amended;

S. 3781. An act for the relief of the International Oil Co., of Minot, N. Dak.;

S. 3798. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937;

S. 3805. An act to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy;

S. 3810. An act to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers;

S. 3817. An act for the relief of John Haslam;

S. 3830. An act for the relief of William C. Willahan;

S. 3846. An act relating to the levying and collecting of taxes and assessments, and for other purposes (5 p. m., E. S. T.);

S. 3891. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects lost in a fire at the naval air station, Hampton Roads, Va., May 15, 1936;

S. 3921. An act for the relief of Remigio Ortiz;

S. 3929. An act to authorize the Legislature of Puerto Rico to create public corporate authorities to undertake slum clearance and projects, to provide dwelling accommodations for families of low income, and to issue bonds therefor; to au-

thorize the legislature to provide for financial assistance to such authorities by the government of Puerto Rico and its municipalities, and for other purposes;

S. 3937. An act conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of the Wisconsin Bridge & Iron Co.;

S. 3957. An act for the relief of James Thow, Charles Thow, and David Thow;

S. 4005. An act for the relief of Ida May Swartz;

S. 4024. An act authorizing advancements from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes;

S. 4041. An act granting the consent of Congress to the State of New Jersey and the Commonwealth of Pennsylvania to enter into compacts or agreements with respect to constructing, maintaining, and operating a vehicular tunnel under the Delaware River;

S. 4069. An act to authorize the Secretary of War to lend certain property to the reunion committee of the United Confederate Veterans to be used at their annual encampment to be held at Columbia, S. C., from August 30 to September 2, 1938; and

S. 4136. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Navajo and Toiyabe National Forests in Nevada and to promote efficiency and economy of administration of said national forests.

On June 28, 1938:

S. 2412. An act for the relief of A. Pritzker & Sons, Inc.; and

S. 3560. An act to revise the boundaries of the Colonial National Historical Park in the State of Virginia, and for other purposes.

On June 29, 1938:

S. 662. An act for the relief of Jeanne Rich, a minor;

S. 2403. An act to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes;

S. 3283. An act to authorize the Secretary of the Interior to place certain records of Indian tribes of Nebraska with the Nebraska State Historical Society, at Lincoln, Nebr., under rules and regulations to be prescribed by him;

S. 3493. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 3516. An act to alter the ratio of appropriations to be apportioned to the States for public-employment officers affiliated with the United States Employment Service; and

S. 3684. An act to amend section 113 of the Judicial Code, as amended.

On June 30, 1938:

S. 3. An act to regulate commerce in firearms; and

S. 1131. An act to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves.

DISAPPROVAL OF SENATE BILLS

The President of the United States, subsequent to the final adjournment of the third session of the Seventy-fifth Congress, transmitted to the Secretary of the Senate lists of bills and a joint resolution of the Senate disapproved by him, with his reasons for such action, as follows:

On June 20, 1938:

S. 988. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927, as amended.

"I have withheld approval of S. 988, Seventy-fifth Congress, entitled 'An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the

Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927, as amended."

"The major purposes of the bill are (1) the establishment of a retirement system for the members of the Foreign Commerce Service, (2) provision for automatic promotions in salary within grades for the personnel of this service having satisfactory or better ratings, and (3) authorization, at posts outside the continental limits of the United States, for the payment to these officers of compensation, in addition to salaries and other allowances, to meet unusual or excessive costs of living.

"It is apparently the intention of this legislation to make provision for the members of the Foreign Commerce Service of the Department of Commerce similar to that provided by the act of February 23, 1931, for the Foreign Service officers of the Department of State.

"I am in hearty accord with legislation tending to bring all Government service to a common basis as far as this may be practicable, but feel constrained to withhold approval of this bill for the following reasons:

"The retirement system provided in section 9 of the bill is practically identical with and financed in precisely the same manner as that provided by the act of February 23, 1931, for the Foreign Service officers of the Department of State. The means prescribed in the 1931 act for financing the retirement system established for Foreign Service officers of the State Department will not provide a fund adequate to meet eventual requirements. There has been in process for some time, at my direction, a compilation of basic actuarial data required to formulate, for submission to the Congress, proposed legislation necessary to provide a sound and permanently solvent fund for payment of retired officers of that Service. It follows that the enactment of S. 988 into law would establish for the Foreign Commerce Service a retirement system definitely known to be defective in its financial provisions and not therefore in the interest of the public or the personnel concerned.

"The whole subject of coordinating the work of several departments and agencies of the Government which relates to foreign service is under study, and I believe should be acted on comprehensively at the next session of the Congress. Disapproval of this measure is recommended by the State Department, the Civil Service Commission, and the Director of the Budget."

S. 2208. An act for the relief of Bruce G. Cox and Harris A. Allister.

"I have withheld by approval of S. 2208, entitled 'An act for the relief of Bruce G. Cox and Harris A. Allister.'

"This bill would release Bruce G. Cox and Harris A. Allister, respectively, from liability to refund to the United States such moneys as have been paid them, pursuant to certain dental authorizations issued and vouchers approved in connection therewith, between April 1, 1926, and January 12, 1933, and further would reimburse them for such refundments to the United States as they may have already made.

"After consideration of the entire record in this case, I feel that persons who knowingly make untrue certificates in Government vouchers should under the law be held accountable therefor and that there appear to be no facts or circumstances which would justify singling out the beneficiaries named in the bill for preferential treatment."

On June 22, 1938.

S. 44. An act for the relief of Edward N. Jerry.

"I am withholding my approval of S. 44, Seventy-fifth Congress, third session, 'An act for the relief of Edward N. Jerry.'

"The purpose of this measure is to authorize the said Edward N. Jerry to file with the Veterans' Administration within 6 months from date of approval of the above bill an application for benefits under the Emergency Officers' Retirement Act of 1928, Mr. Jerry originally having failed to file within the 12 months' time limit fixed in that act.

"I have given this case careful and sympathetic consideration and recognize, too, the propriety of affording relief in

exceptional and meritorious cases where a technicality results in denial of benefits otherwise authorized. However, Mr. Jerry's case is one of failure to file within 1 year of the passage of the Emergency Officers' Retirement Act, and in that respect differs in no way from that of others who are specifically excluded from emergency officer retirement benefits by reason of failure to apply within the time limit fixed by the law. There would, therefore, seem to be no justification for granting preferment in this particular instance."

S. 1168. An act for the relief of Joseph W. Bollenbeck.

"I have withheld my approval of S. 1168, which provides that in the administration of any laws conferring rights, privileges, or benefits upon retired officers of the United States Army, Joseph W. Bollenbeck, captain, United States Army, shall be held and considered, notwithstanding any other provision of law, to have been classified in class A and to have been retired on May 31, 1935, under section 1251 of the Revised Statutes for incapacity which was a result of an accident of service. The measure further provides that no back pay, allowance, compensation, or other benefit shall be held to have accrued prior to the passage of this act.

"From the facts in this case on record in the War Department, it appears that Captain Bollenbeck, who was born February 16, 1891, served in the Army for more than 17 years and was retired from active service May 31, 1935, under the provisions of section 24b of the act of June 4, 1920, as amended. Proper authority having determined that his retirement was not due to his neglect, misconduct, or avoidable habits, he receives retired pay at the rate of \$1,593.75 per annum.

"Briefly stated, this bill would nullify the action of legally constituted agencies of the War Department that have functioned in this officer's case. It would change his status to that of an officer retired under section 1251, Revised Statutes, which provides for retirement of officers who have been found incapacitated by an Army retiring board, without making provision for his appearance before such board. It further appears from the records of the War Department that his retirement was accomplished in strict accordance with the provisions of existing law, that his rights were duly safeguarded, and the records do not indicate that he had any incapacitating disability at the time of his retirement.

"Therefore, I can see no reason for singling Captain Bollenbeck out for preferential treatment at this time for the purpose of changing his retired status, and thereby increasing his retired pay."

S. 2408. An act for the relief of John H. Balmat, Jr.

"I am withholding my approval of S. 2408, Seventy-fifth Congress, third session, 'An act for the relief of John H. Balmat, Jr.'

"The purpose of this measure is to authorize the said John H. Balmat, Jr., to file with the Veterans' Administration within 6 months from date of approval of the above bill an application for benefits under the Emergency Officers' Retirement Act of 1928, Mr. Balmat originally having failed to file within the 12 months time limit fixed in that act.

"I have given this case careful and sympathetic consideration and recognize, too, the propriety of affording relief in exceptional and meritorious cases where a technicality results in denial of benefits otherwise authorized. However, Mr. Balmat's case is one of failure to file within 1 year of the passage of the Emergency Officers' Retirement Act, and in that respect differs in no way from that of others who are specifically excluded from emergency officer retirement benefits by reason of failure to apply within the time limit fixed by the law. There would, therefore, seem to be no justification for granting preferment in this particular instance."

S. 2594. An act authorizing the President of the United States to summon Sam Alexander before an Army retiring board, and for other purposes.

"I have withheld approval of the bill S. 2594 entitled 'An act authorizing the President of the United States to summon Sam Alexander before an Army retiring board, and for other purposes.'

"This bill would authorize me to summon Sam Alexander, formerly a field clerk, Quartermaster Corps, United States Army, and major, Signal Corps, United States Army, before a retiring board for the purpose of hearing his case and inquiring whether at the time of his separation from the service he was incapacitated for active service and whether such incapacity was a result of an incident of service and if, as a result of such hearing and inquiry, it is found that he was so incapacitated that I be authorized to appoint him a warrant officer, Regular Army, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for warrant officers of the Regular Army.

"The official records of the War Department show that Mr. Alexander served as an enlisted man in the Regular Army from June 12, 1900, to June 7, 1901, as a field clerk, Quartermaster Corps, United States Army, from December 27, 1916, to February 10, 1918, and as an emergency officer during the World War from February 11, 1918, to February 9, 1920, on which last named date he was discharged, for his own convenience, from his commission as an emergency officer.

"At none of the times when Mr. Alexander was separated from the military service was he entitled under the law to be placed on any retired list of the Regular Army for any reason whatsoever.

"Irrespective of any determination which might now be made of the extent of any disability which existed at the time of Mr. Alexander's separation from the service on February 9, 1920, I cannot give my approval to special legislation designed to confer upon an individual retirement rights not accorded under the general laws in effect at the time the individual is separated from service. The retirement system of the military services is maintained primarily as a means of vitalizing the active list and its use as a means for conferring a private benefit or gratuity upon an individual not entitled to such under the general laws is contrary to sound policy."

On June 23, 1938:

S. 667. An act for the relief of William E. Jones, Walter M. Marston, William Ellery, Richard P. Hallowell, 2d, and Malcolm Donald as executors under the will of Frank W. Hallowell; and Malcolm Donald as executor under the will of Gordon Donald.

"I have found it necessary to withhold my approval of S. 667 for the relief of William E. Jones, Walter M. Marston, William Ellery, Richard P. Hallowell, 2d, and Malcolm Donald, as executors under the will of Frank W. Hallowell; and Malcolm Donald as executor under the will of Gordon Donald.

"S. 667 is a bill to authorize and direct the Commissioner of Internal Revenue to receive, consider, and determine, in accordance with law, but without regard to any statute of limitations, any claims filed by the above-named individuals for refund of income and excess-profits taxes in excess of tax properly due for the year 1917.

"Under the provisions of the Revenue Act of 1917 a partnership was required to file a return and pay income and excess-profits tax. Treasury regulations provided that in computing the amount of income to be taxed to the partners as individuals a credit to the extent of the excess-profits tax paid by the partnership was to be allowed against the total partnership income. On this basis the claimants and decedents as members of a partnership paid their tax for the year 1917. Long after the period of limitation for filing refund claims by these individuals had expired, the Circuit Court of Appeals for the Second Circuit, in a case involving another taxpayer, held that a proportionate amount of the total excess-profits tax paid by the partnership was again to be credited on the individual returns of the respective partners. No claims for the refund of tax alleged to have been overpaid were filed at any time by claimants or decedents nor was any obstacle placed in their way to file such claims. The failure on the part of claimants and decedents to pursue the legal remedies prescribed by statute in the matter of filing refund claims and instituting court proceedings upon

a possible rejection of their claims was wholly voluntary on the part of these individuals.

"Consequently, in this regard S. 667 does not differ from other bills to except certain taxpayers from the operation of the statutes of limitations, a number of which bills I have disapproved. On those occasions, I expressed my accord with the enacted policy of Congress that it is sound to include in all revenue acts, statutes of limitations, and by the operation of which, after a fixed period of time, it becomes impossible for the Government to collect additional taxes or for the taxpayer to obtain a refund of an overpayment of taxes. I pointed out in each instance that such legislation selects an individual taxpayer, or a small class of taxpayers, for special treatment by excepting them from that policy, thus discriminating against the whole body of Federal taxpayers and establishing a precedent which would open the door to relief in all cases in which the statute operates to the prejudice of a particular taxpayer, while leaving the door closed to the Government in those cases in which the statute operates to the disadvantage of the Government.

"I must again express my belief that the field of special legislation should not be opened to relieve special classes of taxpayers from the consequences of their failure to perfect their claims for the refund of taxes within the period fixed by law."

S. 945. An act for the relief of the Community Investment Co., Inc.

"I have found it necessary to withhold my approval of S. 945, for the relief of the Community Investment Co., Inc., of Burbank, Calif.

"This bill would authorize and direct the Secretary of the Treasury to pay to the Community Investment Co., Inc., the sum of \$1,896.69, in settlement of a claim against the United States for a refund of income taxes for the year 1926, which claim was disallowed by the Treasury Department on the ground of failure to file within the statutory period of limitations.

"I have on several occasions in the past expressed my accord with the enacted policy of Congress that it is sound to include in all revenue acts, statutes of limitations, by the operation of which, after a fixed period of time, it becomes impossible for the Government to collect additional taxes or for a taxpayer to obtain a refund of an overpayment of taxes. In each instance I have pointed out that legislation, such as the proposed bill, which selects an individual taxpayer, or a small class of taxpayers, for special treatment by excepting them from that policy, discriminates against the whole body of Federal taxpayers, and establishes a precedent which would open the door to relief in all cases in which the statute operates to the prejudice of a particular taxpayer, while leaving the door closed to the Government in those cases in which the statute operates to the disadvantage of the Government.

"In this regard, the instant measure, S. 945, does not differ in principle from the prior bills which I have disapproved. I know of no circumstances which would justify the exception made by S. 945 to the long-continued policy of Congress, and reiterate my belief that the field of special legislation should not be opened to relieve special classes of taxpayers from the consequences of their failure to perfect their claims for the refund of taxes within the period fixed by law."

S. 2541. An act for the relief of the estate of George Ehret, Jr.

"I have found it necessary to withhold my approval of S. 2541, entitled 'An act for the relief of the estate of George Ehret, Jr.,' late of the State of New York.

"S. 2541 authorizes and directs the Commissioner of Internal Revenue to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, any claim filed within 60 days after the enactment of S. 2541 into law by and on behalf of the estate of George Ehret, Jr., for refund of Federal estate tax in excess of the tax properly due.

"The decedent died on March 27, 1929, and in due course a Federal estate-tax return was filed. In April 1934 the local surrogate's court entered an order fixing the amount of inheritance tax due the State of New York, and in September 1934 the total amount of estate tax due the United States was fixed by stipulation in excess of the amount shown on the original Federal estate-tax return. The estate was allowed a credit against the Federal estate tax in the amount fixed by the surrogate's court. Subsequently, and in January 1936, the New York State Tax Commission instituted proceedings to recover an additional amount of estate tax due the State of New York, which amount, in the sum of \$19,942.47, was paid by the estate in February 1937. S. 2541 is designed to give the estate of George Ehret, Jr., relief by allowing the estate to file an additional claim for credit against the Federal estate tax in the sum of \$19,942.47, inasmuch as in 1936 the period of limitation in which the estate under provisions of the Federal estate-tax law could file a claim for additional credit of taxes paid the State of New York had expired.

"The estate requests relief on the ground that its failure to file such claim for additional relief was in nowise due to its own disregard of the Federal statutory requirements. Under the law of New York existing at the time of the decedent's death that State was entitled to death duties equal to 80 percent of the Federal estate tax paid. Under that law and the regulations issued by the State tax commission it was the duty of the estate to advise the proper local taxing authorities of the additional Federal estate tax paid by virtue of the stipulation entered into between the estate and the Commissioner of Internal Revenue in 1934. If that duty had been discharged and the procedure prescribed by local law followed, a timely claim for additional credit against Federal estate tax could have been filed.

"In this regard, therefore, S. 2541 does not differ in principle from other bills to except certain taxpayers from the operation of the statutes of limitation, a number of which bills I have disapproved. I have on such occasions expressed my accord with the enacted policy of Congress that it is sound to include in all revenue acts statutes of limitation, by the operation of which after a fixed period of time it becomes impossible for the Government to collect additional taxes or for the taxpayer to obtain a refund of an overpayment of tax. I pointed out that such legislation selects an individual taxpayer or a small class of taxpayers for special treatment by excepting them from that policy, thus discriminating against the whole body of Federal taxpayers and thus establishing a precedent for affording relief to taxpayers in cases in which statutes operate to their prejudice, whereas there would be no opportunity to afford relief to the Government where the same statutes operate to its disadvantage.

"I must again express my belief that the field of special legislation should not be opened to relieve special classes of taxpayers from the consequences of their own failure to perfect their claims within the period fixed by law."

S. 2883. An act for the relief of George H. Lowe, Jr.

"I am withholding my approval of S. 2883, Seventy-fifth Congress, third session, 'An act for the relief of George H. Lowe, Jr.'

"The purpose of this bill is to hold and consider George H. Lowe, Jr., to have entered the commissioned service of the United States Army prior to November 11, 1918, in order to enable him to become eligible for emergency officer retirement benefits.

"The Administrator of Veterans' Affairs, after carefully considering this case, advises me that there are several other cases in which veterans are barred from the benefits of the Emergency Officers' Retirement Act because they were not commissioned until after November 11, 1918, although they suffered a 30-percent or greater permanent disability in service prior to that date, that there is no particular reason why this officer should be granted benefits denied to others similarly circumstanced, and that he is unable to recommend approval of the measure.

"During the Seventy-fourth Congress a relief bill of this character received my approval, but at that time I addressed letters, dated March 19, 1936, to the chairmen of the Senate and House Committees on Military Affairs, respectively, in which I said:

"I am therefore advising you that while I have approved this particular relief bill it should under no condition be considered as a precedent for any similar legislation, and I earnestly hope that any future bills of this character will not receive the approval of the committee."

"After giving this case careful consideration and in view of the foregoing, I am compelled to withhold my approval of this bill."

On June 24, 1938:

S. 4126. An act to amend the act authorizing the construction of a bridge at South Sioux City, Nebr.

"I have withheld my approval of S. 4126, entitled 'An act to amend the act authorizing the construction of a bridge at South Sioux City, Nebr.'

"I cannot give my approval to this bill because of the inclusion therein of the following provision:

"Such bridges, and the bonds issued in connection therewith, and the income derived therefrom, shall be exempt from any Federal, State, municipal, and local taxation."

"Under date of June 30, 1936, I withheld my approval of S. 3107, Seventy-fourth Congress, a bill to exempt publicly owned interstate highway bridges from State, municipal, and local taxation, for reasons stated in my press release of that date, as follows:

"The effect of this bill would be that, by declaring publicly owned interstate highway bridges to be Federal instrumentalities, such bridges would thereby be exempt from all State and local taxation. I cannot give my approval to this bill, first, because I can find no compelling reason for making publicly owned interstate highway bridges Federal instrumentalities, and, secondly, because relieving such bridges of all State and local taxation would, in the majority of cases, result in loss of revenue by States and their political subdivisions, necessitating material curtailment of necessary activities, or the imposition of increased tax burdens upon other taxpayers to make up the deficit."

"For the same reasons, and the added reason that the present bill, S. 4126, would exempt Federal taxation in addition to State, municipal, and local taxation, I cannot give the bill my approval."

On June 25, 1938:

S. 252. An act to exempt publicly owned interstate highway bridges from local taxation.

"I have withheld my approval of S. 252, entitled 'An act to exempt publicly owned interstate highway bridges from local taxation.'

"This bill is designed to accomplish the same purpose as S. 3107, Seventy-fifth Congress, with respect to which I withheld my approval for reasons set forth in a memorandum of disapproval dated June 30, 1936, as follows:

"I am withholding my approval of S. 3107, to exempt publicly owned interstate highway bridges from State, municipal, and local taxation, for the following reasons:

"The effect of this bill would be that, by declaring publicly owned interstate highway bridges to be Federal instrumentalities, such bridges would thereby be exempt from all State and local taxation. I cannot give my approval to this bill, first, because I can find no compelling reason for making publicly owned interstate highway bridges Federal instrumentalities; and secondly, because relieving such bridges of all State and local taxation would, in the majority of cases, result in loss of revenue by States and their political subdivisions, necessitating material curtailment of necessary activities, or the imposition of increased tax burdens upon other taxpayers to make up the deficit."

"For the same reasons I cannot give my approval to the present bill, S. 252."

S. 1478. An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

"I have withheld my approval of the Senate bill (S. 1478) entitled 'Conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.'

"Unlike other Indian jurisdictional bills, this measure does not relate to claims of any tribe against the United States, but is concerned with the claims of certain individual members of the Choctaw Tribe, who assert that they were erroneously denied the right to share in the distribution of certain tribal properties. If they had received the property to which they claim to have been entitled, it would have been a share in the tribal properties. Nevertheless, the bill under consideration, instead of seeking to permit them to secure an award against the tribe, or against other members of the tribe who, on the theory of the claimants, received an excessive share of the properties, in effect proposes that the Government should assume the tribal liability and should pay to the claimants the value of the share that they might have received on the distribution of the tribal properties."

"The enactment of this legislation might result in assumption of a liability by the Government aggregating several millions of dollars. No reason appears why in equity and good conscience this burden should be borne by the United States."

"Moreover, the effect of this legislation would be to reopen matters that were settled more than 30 years ago by a quasi-judicial commission. It does not appear desirable to take such action after a long lapse of time, when most of the pertinent evidence is no longer available."

S. 3319. An act to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to the Disabled American Veterans of the World War, Inc.

"I have withheld my approval of S. 3319, an act to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to the Disabled American Veterans of the World War, Inc."

"This bill would appropriate from the Treasury of the United States the sum of \$196,568.64, to be divided equally between the two organizations named above for use in aiding and assisting disabled, destitute, or unemployed veterans and/or their dependents."

"Last year I withheld my approval of S. 1516, which was passed at the first session of the Seventy-fifth Congress. That bill differed from the present one only in that it appropriated a larger sum of money, \$294,852.97, and provided for distribution of this money among four organizations, which included the two designated to receive the funds appropriated by the present bill. In withholding my approval last year of S. 1516 I stated:

"While the money to be appropriated represents the unexpended balance of certain funds accumulated by military organizations during the World War, Congress has already provided that, because of the impossibility of returning this money to the sources from which it originated, it be covered into the general fund of the Treasury and has authorized an equivalent amount to be appropriated, in the event of war, for the recreation, amusement, comfort, contentment, and health of the enlisted personnel of the Military Establishment."

"The reports of the committees of Congress which considered this bill stressed the fact that a portion of the money formerly in this fund was authorized to be appropriated to the American Legion to be used in connection with the liquidation of indebtedness against Pershing Hall Memorial in Paris, thereby implying that other national organizations engaged in aiding and assisting veterans and their dependents are likewise entitled to share in this fund. The premise on which this argument is based seems to me an incorrect one. The appropriation which was made to the Secretary of the Treasury to liquidate the indebtedness connected with Pershing Hall was conditioned on the vesting of the legal title to the property in the Government of the United States for the use and benefit of all American veterans of the World War. In no sense could this former appropriation be considered as being for the benefit of any one organization of

veterans. The purpose of that appropriation was entirely different from the one authorized by the pending bill.

"I find myself unable to agree with the present proposal to provide out of the general fund of the Treasury for the donation to private agencies of funds to which they have no claim, and to the expenditure of which the usual governmental safeguards would not apply."

"The statement which I made in connection with S. 1516 is entirely applicable to the present bill. The change in the amount and method of distribution of the appropriated funds does not in any way affect the reasons for my disapproval of this type of legislation. Expenditures by the Government for the aid and assistance of war veterans and their dependents should be made from appropriations for that purpose under the administrative control of the Veterans' Administration. At the present time large sums are expended each year by the Veterans' Administration for that purpose. The benefits to be derived from the relatively small amounts proposed to be paid to the Veterans of Foreign Wars of the United States, Inc., and the Disabled American Veterans of the World War, Inc., would necessarily be restricted to but a small proportion of the war veterans and their dependents. There is, therefore, no assurance that the enactment of this legislation would not evoke the charge of discrimination in the treatment of veterans and their dependents. The War and Treasury Departments and the Budget Bureau recommend disapproval."

S. 3682. An act for the relief of Lofts & Son.

"I have withheld approval of S. 3682, entitled 'An act for the relief of Lofts & Son.'

"This bill awards the sum of \$33,500 to the claimants in full satisfaction of their claims against the United States for alleged damages resulting from the loss of their sand and gravel plant at the mouth of Hood River, Oreg., and their inability to further carry on the operations of removing sand and gravel on land now leased from the Oregon Lumber Co. because such land will be flooded by the backwaters of the Bonneville Dam, Columbia River, Oreg.

"The record in this case shows that the claimants, Loft & Son, for some 30 years have operated a sand and gravel plant on land within the Bonneville Dam area under a year-to-year lease with the Oregon Lumber Co.; that by virtue of easements purchased on October 13, 1937, the United States acquired from the Oregon Lumber Co. perpetual flowage rights over the land occupied by the claimants' plant; that the lease held by claimants expired on December 31, 1937, but was renewed for the term of 1 year, ending December 31, 1938, subject to the flowage rights which had been acquired by the United States on October 13, 1937, from the owners of the land; and that no damage by overflow was sustained to the leasehold of claimants prior to December 31, 1937.

"Under the above conditions I fail to see that Lofts & Son have a just claim for damages against the United States."

S. 3774. An act to authorize cooperation between the United States and the State of New York in the protection of the public interest and welfare inherent in certain forest lands in said State through provision for the acquisition and management of said lands.

"I am withholding approval of S. 3774, a bill entitled 'An act to authorize cooperation between the United States and the State of New York in the protection of the public interest and welfare inherent in certain forest lands in said State through provision for the acquisition and management of said lands.'

"This bill authorizes and directs the Secretary of Agriculture to acquire by purchase or otherwise certain described lands now in private ownership in Herkimer and Hamilton Counties, State of New York, and appropriates the sum of \$3,000,000 therefor. It further provides that after said lands are acquired the Secretary shall enter into a cooperative agreement with the State of New York for their development, protection, administration, and management by the conservation department of the State of New York and at the expense of said State, which agreement shall specifically

provide that said lands shall be forever kept as wild forest lands, not subject to be leased, sold, exchanged, nor the timber thereon sold, removed, or destroyed. The act still further provides that the Secretary of Agriculture shall convey to the State of New York all rights, titles, and interests of the United States in the lands acquired by him, if the State of New York shall formally advise the Secretary of its desire to acquire title to any or all of said lands and shall reimburse the United States for its expenditures.

"I cannot give my approval to this bill for the following reasons:

"It appears from the record in this case that the real purpose of the bill is to add to the Adirondack State Forest Preserve (which is in reality a natural park) certain lands within the boundaries thereof now held in private ownership and heretofore managed by the owners in conformity with the general objectives of such forest preserve; that there is great possibility that such private owners, or some of them, will either sell their holdings, or at least dispose of the marketable timber resources thereon, which would adversely affect the holdings of the State of New York; that the State of New York has no funds immediately available for the purchase of these lands and that some time may elapse before additional funds for that purpose can be obtained, since a new bond issue would be necessary and such bond issue must first be authorized by the State legislature and then approved by referendum of the electorate. To overcome this difficulty it is proposed that the taxpayers of the Nation in general shall advance the required funds. This, it seems to me, would establish a bad precedent and commit the United States to come to the relief of any State which might be temporarily unable to finance State projects of public interest.

"It is true that the bill makes it possible for the United States to be reimbursed for its expenditures, but without interest thereon, if the State of New York should elect to do so. Since the bill provides that the lands in question shall be administered the same as other lands of the Adirondack State Forest Preserve, it would appear that there would be no incentive for the State of New York to exercise its prerogative.

"This is not a proposal to add private forest lands to a State or National forest in the interest of conserving our national timber resources in order to insure adequate supplies of timber for posterity by the application of scientific sustained-yield management practices, but is one to add to and protect a State natural park, which is not a proper function of the Federal Government.

"For the above reasons, I do not feel that I would be justified in giving my approval to this bill."

S. 3892. An act creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.

"I have withheld my approval of S. 3892, entitled 'An act creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.'

"I cannot give my approval to this bill because of the inclusion therein of the following provision:

"The bridge or bridges purchased or constructed under the authority of the act shall be deemed to be Federal instrumentalities for interstate commerce, the Postal Service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation."

"Under date of June 30, 1936, I withheld my approval of S. 3107, Seventy-fourth Congress, a bill to exempt publicly owned interstate highway bridges from State, municipal, and

local taxation, for reasons stated in my press release of that date, as follows:

"The effect of this bill would be that, by declaring publicly owned interstate highway bridges to be Federal instrumentalities, such bridges would thereby be exempt from all State and local taxation. I cannot give my approval to this bill, first, because I can find no compelling reason for making publicly owned interstate highway bridges Federal instrumentalities, and, secondly, because relieving such bridges of all State and local taxation would, in a majority of cases, result in loss of revenue by States and their political subdivisions, necessitating material curtailment of necessary activities or the imposition of increased tax burdens upon other taxpayers to make up the deficit."

"For the same reasons, and the added reason that the present bill, S. 3892, would exempt Federal taxation in addition to State, municipal, and local taxation, I cannot give the bill my approval."

On June 29, 1938:

S. J. Res. 114. Joint resolution for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground.

"I have withheld my approval of Senate Joint Resolution 114, Seventy-fifth Congress, third session, entitled 'Joint resolution for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground.'

"Stripped of all nonessentials, the measure authorizes and directs the Secretary of the Treasury to pay F. O. Mitchel & Bro., \$19,000; W. E. Boeschel, representative of the J. H. Emmord estate, \$7,500; Samuel L. Fyle, \$4,250; John W. Bay & Co., \$30,000; Harry C. Holloway, \$2,500; Mrs. Emma W. Bay, \$1,500; and Mrs. Emma A. Wirsing, \$8,000, for consequential damages suffered by them in connection with the establishment and operation by the United States of the Aberdeen Proving Ground in Harford and Baltimore Counties, Maryland.

"The Aberdeen Proving Ground was established by the act of Congress approved October 6, 1917 (40 Stat. 345, 352), followed by two proclamations of the President, namely, on October 16, 1917, and December 14, 1917 (40 Stat. 1707, 1731). In compliance with the above laws and proclamations, the Secretary of War appointed a commission to negotiate and deal with the property owners concerned. Claims for property taken were paid by the commission, but no compensation was paid for consequential or indirect damages. Subsequently, in a suit brought by R. F. and G. H. Mitchell against the United States, the refusal by the commission to pay consequential or indirect damages was sustained by the Supreme Court (267 U. S. 341). In the years following, several bills were introduced in Congress for the relief of various persons who alleged that they had suffered consequential and indirect damages as a result of the establishment of the proving ground. One of these bills, S. 4415 (72d Cong., 1st sess.), which provided for direct payments to approximately 100 claimants and which included all of the claimants, except Mrs. Emma A. Wirsing, named in the measure now under consideration, was referred to the Court of Claims by Senate Resolution No. 250 (72d Cong., 1st sess.). Subsequently the petitions of F. O. Mitchel & Bro. and the estate of John H. Emmord were dismissed upon motion by the respective claimants, and the petition of Samuel L. Fyle was dismissed in open court upon motion by the United States. The claims of John W. Bay & Co., Harry C. Holloway, and Mrs. Emma W. Bay were heard by the court and decided on November 9, 1936. The court, in each case, arrived at the following conclusion:

"Upon the foregoing special findings of fact the court decided as a conclusion that the claim herein is neither a legal nor equitable one, and that payment thereof rests in the discretion of Congress.

"With respect to the claim of Mrs. Wirsing, the War Department has reported to me that in 1920 Mr. Wirsing, the deceased husband of the claimant, accepted \$540 in full settlement for damages to his property by reason of the ex-

plosion of shells in the proving ground during June and July 1919, and that the allegations as to low-flying Army aircraft carrying loaded bombs over Mrs. Wirsing's property are not in accordance with the facts as found by the War Department.

"In the preamble of the measure, the decision of the United States Supreme Court in the case of *Peabody v. The United States* (231 U. S. 531), is quoted in part. This extract does not clearly reveal the holding of the Court in that case. An examination of this case reveals that the Court also declared that 'consequential damages incident to a public undertaking * * * must be borne without any right of compensation.'

"The essence of the matter contained in the preamble of the measure is that, inasmuch as representatives of the War Department promised the people interested, both before and after the passage of the act authorizing the taking of the land for the Aberdeen Proving Ground, that compensation would be made by the Government for loss of business of persons residing on and in the vicinity of the land, the Government should now make compensation for such loss, notwithstanding the fact that the Court of Claims and the Supreme Court have construed the act of Congress as authorizing only damage for lands taken. In support of this contention, besides calling attention to certain statements of representatives of the War Department, reference is made to what is known as the Urgent Deficiency Act, approved on October 6, 1917, by which \$7,000,000 were appropriated for 'increasing the facilities for the proof and test of ordnance material, including necessary buildings, construction, equipment, land, and damages and losses to persons, firms, and corporations, resulting from the procurement of the land for this purpose.'

"Notwithstanding any statements made by representatives of the War Department as to allowance of damages for the destruction of business by reason of the taking of the land and the clause in the Urgent Deficiency Act, the law providing for the taking of the land did not include such damages. It is clear that the sums awarded to the several claimants by Joint Resolution No. 114 are mere gratuities.

"Granting of such claims by Congress as an act of grace would constitute a dangerous precedent, as the principle involved in the proposed legislation would be pertinent to any instance where the Government has condemned or otherwise acquired property as the result of which the business or activities of the persons in the vicinity are adversely affected.

"Inasmuch as the present bill is limited to damages claimed by seven claimants on account of the establishment of the Aberdeen Proving Ground it is discriminatory against other claimants who have claims arising out of the establishment of this reservation.

"I am aware of the fact that several of the claimants may have suffered real damages in the operation of this particular exercise of the right of eminent domain, but I do not feel that their losses have been so extensive or material as to warrant my approval of this measure, which is such an extraordinary departure from the principles heretofore defining the Government's liability in such matters."

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16 (legislative day of June 7), 1938

JUDGES OF THE UNITED STATES CIRCUIT COURT OF APPEALS

William Clark to be judge of the United States Circuit Court of Appeals for the Third Circuit.

Albert Branson Maris to be judge of the United States Circuit Court of Appeals for the Third Circuit.

UNITED STATES DISTRICT JUDGE

Edward A. Conger to be United States district judge for the southern district of New York.

CIRCUIT COURTS, TERRITORY OF HAWAII

John A. Matthewman to be fifth judge of the first circuit, circuit courts, Territory of Hawaii.

DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Bolitha J. Laws to be an associate justice of the District Court of the United States for the District of Columbia.

UNITED STATES ATTORNEY

Douglas W. McGregor to be United States attorney for the southern district of Texas.

UNITED STATES PUBLIC HEALTH SERVICE

Marion B. Noyes to be passed assistant surgeon, United States Public Health Service, to rank as such from July 1, 1938.

POSTMASTERS

FLORIDA

Sidney E. Livingston, Homestead.

IOWA

Anthony F. Schrup, Dubuque.

Harold G. Everett, Nodaway.

MONTANA

Walter J. McManus, Augusta.

Ludwig S. Rigler, East Helena.

George Clarence Moore, Harlowton.

Margaret M. Colligan, Walkerville.

NORTH CAROLINA

French W. Graham, Elkin.

NEW JERSEY

John F. Sinnott, Jr., Newark.

William T. Johnson, Point Pleasant.

Thomas Whittington, Sea Isle City.

Edward J. Lennon, Stone Harbor.

NEW YORK

John H. Moore, North Cohocton.

Nellie A. King, Verplanck.

PENNSYLVANIA

Arthur B. Clark, Altoona.

William J. Cannon, Lansford.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 16, 1938

(Legislative day of Tuesday, June 14, 1938)

The recess having expired, the House was called to order by the Speaker at 10 o'clock a. m.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills, joint resolutions, and a concurrent resolution of the House of the following titles:

H. R. 9888. An act for the relief of William Henry Johnston, Jr., a minor;

H. R. 10127. An act to regulate interstate commerce by establishing an unemployment insurance system for individuals employed by certain employers engaged in interstate commerce, and for other purposes;

H. R. 10846. An act to create the office of the Librarian Emeritus of the Library of Congress;

H. J. Res. 711. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

H. J. Res. 712. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

H. Con. Res. 65. Concurrent resolution providing for the printing and binding of the prayers offered by the Rev. James Shera Montgomery, Chaplain of the House of Representatives, during the opening of the daily sessions of the Seventy-fourth and Seventy-fifth Congresses.

The message also announced that the Senate agrees to the report of the committee of conference on the disagree-

ing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2716) entitled "An act to provide for the local delivery rate on certain first-class mail matter."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2505. An act for the relief of James J. Hogan; and

S. 4036. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The message also announced that the Senate had passed, with amendments, in which a concurrence of the House is requested, a bill of the House of the following title:

H. R. 10851. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate had adopted the following order:

Ordered, That the Secretary be directed to return to the House of Representatives the bill (H. R. 146) to require contractors on public-building projects to name their subcontractors, materialmen, and supply men, and for other purposes.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 702. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the Third International Congress for Microbiology to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 679) entitled "An act making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate No. 72 to the foregoing joint resolution, with an amendment.

The message also announced that the Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (H. R. 10530) entitled "An act to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on land bank commissioner's loans until July 1, 1940," returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and sent by the House of Representatives to the Senate with the message of the President returning same, it is

Resolved, That the bill do pass, two-thirds of the Senators present having voted in the affirmative.

SECOND DEFICIENCY BILL

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate; and I also ask unanimous consent, Mr. Speaker, that the conferees may have permission to agree to Senate amendments notwithstanding clause 2 of rule XX.